Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirtieth Legislative Assembly
In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 6th, 1947, and
Ending March 6th, 1947.

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CERTIFICATE OF AUTHENTICATION

State of Montana
Department of
Secretary of State
} ss.

I, Sam W. Mitchell, Secretary of State of the State of Montana, do hereby certify that the printed laws, resolutions and memorials contained herein are true and correct copies of all the enrolled laws, resolutions, memorials and appropriations that were passed by the thirtieth legislative assembly of the State of Montana, commencing January 6, 1947 and concluding March 6, 1947, and in addition a true and correct copy of referendum measure adopted by the people of Montana at the general election held November 5, 1946.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this first day of June, A. D. 1947.

THE GREAT SEAL
of the
State of Montana

Sam W. Mitchell

Secretary of State.

OFFICERS AND MEMBERS
OF THE
Thirtieth Legislative Assembly of the State of Montana

1947

GOVERNOR SAM C. FORD
Lieutenant Governor and President of the Senate: ERNEST T. EATON
Speaker of the House: CHARLES L. SCOFIELD

Members of Senate

NAME	Residence	County	Politics
Arnold, S. C.	Broadview	Stillwater	Republican
*Aronson, J. Hugo	Cut Bank	Glacier	Republican
*Baker, A. A.	Glendive	Dawson	Republican
*Balgord, O. P.	Lavina	Golden Valley	Republican
Blair, Ralph P.	Sidney	Richland	Democrat
*Bourassa, J. B.	Flaxville	Daniels	Democrat
Bovey, Charles A.	Great Falls	Cascade	Democrat
*Bridenstine, Ellenore M.	Terry	Prairie	Republican
Buck, Frank B.	Ekalaka	Carter	Democrat
Burke, Tom	Billings	Yellowstone	Republican
Busch, L. W.	Baker	Fallon	Republican
Cole, Kenneth R.	Winnett	Petroleum	Republican
Cooper, George R.	Superior	Mineral	Republican
Dahl, Andrew	Dagmar	Sheridan	Democrat
Doggett, Howard J.	Townsend	Broadwater	Republican
*Ecton, Zales N.	Manhattan	Gallatin	Republican
†Fallan, Ole E.	Wilsall	Park	Republican
Fewkes, D. F.	Troy	Lincoln	Republican
Fischer, P. A.	Wibaux	Wibaux	Republican
*Gosman, George M.	Dillon	Beaverhead	Republican
*Hageman, Arthur	Jordan	Garfield	Republican
Haight, Herbert H.	Suffolk	Fergus	Democrat
Henderson, M. R.	Hall	Granite	Republican
*Hofland, J. M.	Vida	McCone	Democrat
Hughes, Gerald H.	Stanford	Judith Basin	Republican
*Keeley, W. E.	Deer Lodge	Powell	Republican
*Kellogg, Glen C.	Conrad	Pondera	Republican
Larson, Glenn H.	Thompson Falls	Sanders	Republican
*Liggett, J. A.	Roundup	Musselshell	Republican
Lott, M. J.	Twin Bridges	Madison	Republican
Lynch, Austin E.	Fort Benton	Chouteau	Democrat
McQuitty, E. F.	Harlowton	Wheatland	Democrat
*Manning, D. M.	Hysham	Treasure	Democrat
Markle, T. H.	Glasgow	Valley	Republican
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
*Mundy, G. F.	Gildford	Hill	Republican
*Olmstead, Leon C.	Big Timber	Sweet Grass	Republican
*Plank, Leonard	Chester	Liberty	Democrat
*Potter, John V.	Wh. Sul. Springs	Meagher	Republican
Rice, Paul	Bynum	Teton	Democrat
*Robinson, Fred L.	Malta	Phillips	Republican
*Ross, Thos. A.	Chinook	Blaine	Republican
*Sawtell, Henry J.	Miles City	Custer	Republican
*Simmons, H. A.	Red Lodge	Carbon	Republican
Simon, Archie E.	Jefferson City	Jefferson	Democrat
*Smith, Sherman W.	Helena	Lewis & Clark	Republican
‡Spear, Willis B.	Kirby	Big Horn	Republican
Stewart, G. D.	Forsyth	Rosebud	Republican
*Stewart, Sid G.	Anaconda	Deer Lodge	Republican
*Toman, J. Fred	Bowers	Powder River	Republican
*Wallace, Lloyd I.	Polson	Lake	Republican
*S. B. (Sam) Wallander	Froid	Roosevelt	Republican
Wilson, Geo. W.	Shelby	Toole	Democrat
Winters, W. J.	Stevensville	Ravalli	Republican
Worden, Donovan	Missoula	Missoula	Republican

* — Holdover.
† — Elected to succeed Wesley A. D'Ewart, resigned.
‡ — Appointed to succeed McAllister, deceased.

Secretary of the Senate: CLAUDE J. McALLISTER, Helena.
President Pro Tem: H. A. SIMMONS, Red Lodge.

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House of Representatives

NAME	Residence	County	Politics
Anderson, LeRoy H.	Conrad	Pondera	Democrat
Angstman, Jess L.	Havre	Hill	Democrat
Armstrong, Ory J.	Kalispell	Flathead	Republican
Atkinson, A. L.	Ronan	Lake	Republican
Baldwin, C. J.	Billings	Yellowstone	Republican
Ballard, W. T.	Butte	Silver Bow	Democrat
Beck, Martin J.	Wolf Point	McCone	Democrat
Bell, Roy H.	Great Falls	Cascade	Republican
Benich, Frank	Butte	Silver Bow	Democrat
Blenkner, E. A.	Columbus	Stillwater	Republican
Blewett, Alex	Butte	Silver Bow	Republican
Blikken, Resner	Ophelm	Valley	Democrat
Bradley, D. C.	Terry	Prairie	Republican
Brumbaugh, D. J.	Billings	Yellowstone	Republican
Chaffin, Dean	Bozeman	Gallatin	Republican
Christy, Fred B.	Butte	Silver Bow	Democrat
Clark, Earl E.	Roundup	Musselshell	Democrat
Clark, Elmer	Butte	Silver Bow	Democrat
Cook, Ralph F.	Belt	Cascade	Democrat
Corcoran, Dan H.	Ryegate	Golden Valley	Republican
Dallas, C. A.	Helena	Broadwater	Republican
Domke, David R.	Great Falls	Cascade	Democrat
Donahoe, W. A.	Wh. Sul. Springs	Meagher	Republican
Duncan, Philip C.	Whitehall	Jefferson	Democrat
Duppler, C. H.	Baker	Fallon	Republican
Dwyer, Robert G.	Butte	Silver Bow	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Esp, Leonard J.	Grey Cliff	Sweet Grass	Republican
Foot, E. B.	Kalispell	Flathead	Republican
Frerich, J. H.	Poplar	Roosevelt	Republican
Gebhardt, R. H.	Billings	Yellowstone	Republican
Graybill, Leo C.	Great Falls	Cascade	Democrat
Haines, Clifford E.	Creston	Flathead	Republican
Hall, Earl H.	Gardiner	Park	Democrat
Harken, R. C.	Forsyth	Rosebud	Democrat
Harlow, Paul K.	Thompson Falls	Sanders	Democrat
Head, Ira M.	Missoula	Missoula	Republican
Higgins, Chas. R.	Blackfoot	Glacier	Republican
Holzer, Paul G.	Stanford	Judith Basin	Democrat
Howard, John	Jordan	Garfield	Republican
Howard, W. C.	Wibaux	Wibaux	Democrat
Hunter, Dr. W. L.	Helena	Lewis & Clark	Republican
James, David F.	Joplin	Liberty	Democrat
Jarussi, John M.	Joliet	Carbon	Democrat
Jennings, Milo	Glasgow	Valley	Republican
Johnson, Elmer T.	Livingston	Park	Republican
Johnson, Erick V.	Philipsburg	Granite	Republican
Jones, Dudley	Dodson	Phillips	Republican
Karlberg, John	Missoula	Missoula	Democrat
Kemmis, Walter D.	Sidney	Richland	Republican
Kimpel, G. C.	Hingham	Hill	Republican
Krieg, Fred C.	Billings	Yellowstone	Republican
Loble, Henry	Helena	Lewis & Clark	Democrat
Loughran, Mike	Butte	Silver Bow	Democrat
Lowe, Ray G.	Glendive	Dawson	Republican
Malsor, Roy E.	Bozeman	Gallatin	Republican
Martin, C. Lester	Harrison	Madison	Republican
Mayo, Joseph A.	Superior	Mineral	Republican
Melton, George M.	Dillon	Beaverhead	Ind.-Dem.
Michels, Clair A.	Reserve	Sheridan	Democrat
Nicholas, Marcus V.	Geraldine	Chouteau	Republican
Nixon, Richard	Hogeland	Blaine	Democrat
O'Connor, Geo. W.	Fromberg	Carbon	Republican
Oliver, John	Ekalaka	Carter	Republican
Padbury, Fred H.	Helena	Lewis & Clark	Republican
Page, Winfield E.	Missoula	Missoula	Republican
Pappin, Robert F.	Great Falls	Cascade	Republican
Phillips, R. J. (Bob)	Brooks	Fergus	Republican
Pierce, Geo. R.	Billings	Yellowstone	Republican
Rogers, Guy	Missoula	Missoula	Republican
Roll, Fritz, Jr.	Great Falls	Cascade	Republican
Rowe, Charles D.	Libby	Lincoln	Republican
Sales, W. L.	Manhattan	Gallatin	Republican
Scofield, Charles L.	Biddle	Powder River	Republican
Settle, E. J.	Martinsdale	Wheatland	Republican
Simpson, Milton C.	Volborg	Custer	Republican
Standish, Lyle	Choteau	Teton	Republican
Stout, Tom	Lewistown	Fergus	Democrat

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HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Taber, C. J.	Hamilton	Ravalli	Republican
Taylor, Neil	Scobey	Daniels	Republican
Telgen, Peter M.	Telgen	Petroleum	Republican
Thomas, Fred A.	Stevensville	Ravalli	Republican
Tierney, Frank	Butte	Silver Bow	Democrat
Toole, J. C.	Shelby	Toole	Democrat
Vallton, Don	Deer Lodge	Powell	Republican
Van Cleve, Guy T.	Hardin	Big Horn	Republican
Wenger, Edward A.	Anaconda	Deer Lodge	Democrat
Wiedman, R. H.	Polson	Lake	Republican
Williams, C. J.	Billings	Yellowstone	Republican
Wilson, Archie	Hysham	Treasure	Republican

Chief Clerk: L. R. KNOX, Helena.

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94		104	An Act to Amend Section 2303.6 of the Revised Codes of Montana, 1935, Relating to Corporation License Tax, Providing for Suspension or Forfeiture of the Right to Do Business In Case of Delinquency, and Repealing Acts and Parts of Acts In Conflict Herewith	120
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SESSION LAWS

CHAPTER 1

An Act to Fix the Compensation of Officers and Employees of the Thirtieth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whereas existing wage scales in effect at this time present an emergency requiring that the compension of officers and employees of the thirtieth legislative assembly shall be paid at a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the legislative assemblies and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the thirtieth legislative assembly:

Declaration of emergency affecting wages of employees 30th Legislative Assembly.

Limitation.

Compensation shall be paid to the officers and employees of the thirtieth legislative assembly as follows:

Schedule of compensation.

The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house, the senate law clerk and the house of representatives law clerk, ten dollars ($10.00) per day each;

$10.00 per day.

The assistant secretary of the senate, the assistant chief clerk of the house of representatives; and the journal clerk, the enrolling clerk and assistant enrolling clerk, the engrossing clerk and the assistant engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeants-at-arms, and chief stenographer of the senate, the assistant sergeants-at-arms of the house of representatives; the assistant senate law clerk and the assistant house of representatives law clerk (in case such assistants are employed) nine dollars ($9.00) per day each.

$9.00 per day.

The assistant journal clerk, the assistant bill clerk, the assistant printing clerk, the reading clerk, the secretary

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to the sergeant-at-arms, of each house; the assistant chief stenographer, the clerk to the judiciary committee, the clerk to the finance and claims committee, two chief proof readers, and the mailing clerk, of the senate; the clerk to the committee on judiciary of the house of representatives, the clerk to the chief clerk of the house of representatives, the stenographer to the secretary of the senate, the secretary to the president of the senate, the secretary to the president pro tem of the senate, the pay roll clerk of the house of representatives, the secretary to the speaker of the house of representatives, the mailing and filing clerk of the house of representatives, the secretary to the house of representatives appropriations committee, eight dollars ($8.00) per day each.

$8.00 per day.

The chaplain, other committee clerks, stenographers, typists, other proof readers, door-keepers, assistant door-keepers, janitors, assistant janitors and watchmen of each house, the telephone operators, elevator operators of the house of representatives, seven dollars ($7.00) per day each.

$7.00 per day.

$5.00 per day.

Pages, five dollars ($5.00) per day each.

And all other employees of the legislative assembly not herein specifically enumerated, seven dollars ($7.00) per day each.

$7.00 per day.

Salaries for what time payable.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officers or employees whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee.

Salary schedule not applicable to any subsequent Assembly.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the thirtieth legislative assembly of the State of Montana and shall not be effective for, nor payable to the officers and employees of any subsequent legislative assembly.

Effective date.

Section 3. This act shall take effect, and be in full force from and after its passage and approval.

Approved January 10, 1947.

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CHAPTER 2

An Act to Amend Section 10319, Revised Codes of Montana, 1935, Relating to Notice of Application for Distribution of Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10319, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 10319, R. C. M., amended.

"10319. **Notice of Application.** Notice of the application must be given to the executor or administrator personally, and to all persons interested in the estate in the same manner that notice is required to be given of the settlement of the account of an executor or administrator *under the provisions of Section 10299, Revised Codes of Montana, 1935.*" Notice of application.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 3, 1947.

CHAPTER 3

An Act to Amend Section 10423, Revised Codes of Montana, 1935, Relating to the Settlement of Accounts of Guardians.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10423, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 10423, R. C. M., amended.

"10423. **Settlement of Guardians' Accounts.** The guardian must, upon the expiration of a year from the time of his appointment, and as often thereafter as he may be required, present his account to the court for settlement and allowance. *The court shall thereupon appoint a day for the settlement of said account and the clerk shall give notice thereof by posting notices in three public places in the county, setting forth the name of the guardianship proceeding and of the guardian and the time and* Settlement of guardians' accounts.

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place appointed for the settlement of the account. The court may order such further notice to be given as it may deem proper."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1947.

CHAPTER 4

An Act to Amend Section 8901, Revised Codes of Montana, 1935, Relating to the Term of Service of Jurors.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 8901, R. C. M., amended.

Section 1. That Section 8901, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"8901. **Term of Service of Jurors.** The persons whose names are so returned are known as regular jurors, and must serve for one (1) year, and until other persons are selected and returned; provided, however, that if jurors are drawn before the selection and return of the new jury list as provided in Section 8896 et seq., and thereafter a new jury list is returned they shall continue to serve as jurors, if the business of the court requires the attendance of a jury, for a period not exceeding *ninety (90) days;* provided further, however, notwithstanding such limitation of service, a jury composed of such jurors, duly impaneled to try any cause, shall continue to serve in such cause until discharged by the court from any further consideration of such cause, and the fact that a new jury list has been returned shall not affect their status as jurors."

Term of service of jurors.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1947.

CHAPTER 5

An Act to Amend Section 9925, Revised Codes of Montana, 1935, Relating to Dissolution of Corporations by Decree of Court.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9925, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 9925, R. C. M., amended.

"9925. **Filing Application and Publication of Notice.** If the court is satisfied that the application *shows conformity with the provisions of Sections* 9922 to 9924 *inclusive, Revised Codes of Montana, 1935,* the judge thereof must order *said application* to be filed with the clerk *of the court and must order the clerk to give notice of said filing for a period of time to be fixed by the court, which period shall be* not less than thirty nor more than fifty days *in duration. Said notice shall be given by publication once a week during the period so fixed by the court,* in some newspaper published in the county, and if there is *no newspaper so published in the county, then by notices* posted, *by the clerk in* three public places in the county *for the period so fixed by the court. Said notice shall state the fact of the filing of said application and the time during which objections thereto may be filed with the clerk."*

Filing application and publication of notice.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 5, 1947.

CHAPTER 6

An Act to Amend Section 10440, Revised Codes of Montana, 1935, Relating to Guardianship Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10440, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 10440, R. C. M., amended.

"10440. **Proceedings to Conform to Certain Provisions of Code.** All the proceedings under the petition of guardians for sales of property of their wards, giving notice, and the hearing of such petitions, granting or refusing the order of sale, directing the sale to be made at public or private sale, reselling the same property, return of sale, and application for confirmation thereof, notice and hear-

Proceedings to conform to certain provisions of code.

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ing of such application, making orders rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, accounting and the settlement of accounts, must be had and made as required by the provisions of Sections *10195 to 10203 inclusive, Revised Codes of Montana, 1935, Section 10204, Revised Codes of Montana, 1935, as amended by Section 1 of Chapter 77, Session Laws of Montana of 1937; Sections 10205 and 10206, Revised Codes of Montana, 1935, as amended by Sections 1 and 2 of Chapter 84, Session Laws of Montana of 1941; Section 10218, Revised Codes of Montana, 1935, as amended by Section 1 of Chapter 49, Session Laws of Montana of 1943; Sections 10219 to 10248 and Section 10305, Revised Codes of Montana, 1935.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1947.

CHAPTER 7

An Act to Amend Section 10356, Revised Codes of Montana, 1935, Relating to the Publication of Notices in Probate and Guardianship Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10356, R. C. M., amended.

Section 1. That Section 10356, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"10356. **How Often Publication** *Should* **Be Made.** *When any publication is ordered in any probate or guardianship proceeding, the provisions of Sections 9833 and 9833.1, Revised Codes of Montana, 1935, shall, unless otherwise expressly provided by statute or by the order of the court, govern the manner of making such publication.*"

How often publication should be made.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1947.

CHAPTER 8

An Act to Amend Section 10463, Revised Codes of Mon-

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tana, 1935, Relating to Provisions Applicable to Guardianship Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10463, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 10463, R. C. M., amended.

"10463. **Orders to Be Entered in Minutes—Provisions Applicable to Practice.** All orders must be entered in the minutes of the court kept for probate proceedings *in accordance with the provisions of Section 10355, Revised Codes of Montana, 1935.* The provsions of Sections 10018 to 10464 of this Code, relative to the estates of decedents, so far as they relate to the practice in the district court, apply to proceedings under Sections 10401 to 10464 of said code." Orders to be entered in minutes. Provisions applicable to practice.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 5, 1947.

CHAPTER 9

An Act to Amend Section 6014.51, Revised Codes of Montana, 1935, Relating to Certified Checks.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6014.51, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 6014.51, R. C. M., amended.

"6014.51. **Certified Checks.** Whenever a check drawn on any bank is certified by any officer or employee of such bank, the amount thereof shall be immediately charged against the account of the person, firm, or corporation drawing the same. It shall be unlawful for any officer or employee of any bank to certify any check drawn upon such bank, unless the person, firm or corporation drawing the check has on deposit with the bank at the time such check is certified, an amount of money subject to the payment of such check, equal to the amount specified in such check. Any officer or employee of any Certified checks.

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Violation, and penalty.

bank who shall wilfully violate the provisions of this Section, or shall resort to any device, or receive any fictitious obligation, directly or indirectly, in order to evade the provisions *hereof* shall be guilty of felony."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 5, 1947.

CHAPTER 10

An Act to Amend Section 5943 of the Revised Codes of Montana of 1935, Relating to Meetings of Stockholders and Directors of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5943, R. C. M., amended.

Section 1. That Section 5943 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"5943. **Meetings of Stockholders and Board of Directors—Where Held.** The meetings of the stockholders of a corporation must be held at its office or principal place of business in the State of Montana, except as hereinafter provided. The meetings of the board of directors or trustees of all corporations heretofore or hereafter organized under any of the laws of the State of Montana may be held either within or without the State of Montana, at such place or places as may be designated by the by-laws of such corporations. In case the meetings of the board of directors or trustees of a corporation shall be held outside of the State of Montana, either the original *minutes of each meeting containing a record of all proceedings had thereat and signed by the chairman and secretary of such meeting, or full and complete copies or duplicates of such minutes certified by such chairman and secretary, under the seal of said corporation,* shall be sent to and kept at the principal office or place of business of the corporation in Montana, and shall be part of the records in Montana. The meetings of the stockholders of all corporations organized in conformity with the requirements of the laws of the United States and of the State of Montana, for the purpose of furnishing water only to its stockholders, called for the purpose of

Meetings of stockholders and board of directors.

Where held.

Minutes of meetings held outside of state.

Corporations solely for the purpose of furnishing water to stockholders.

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electing directors, may be held in the several director districts of such corporation, at such place in each director district as may be designated by the board of directors, and no shareholder shall be permitted to vote at any such shareholders' meeting, except the meeting held in the director district as may be fixed by the by-laws of said corporation."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1947.

CHAPTER 11

An Act to Amend Section 2207, Revised Codes of Montana, 1935, as Last Amended by Section 1, Chapter 24, Session Laws of Montana of 1939, Relating to the Assignment of the Rights of Counties in Property Acquired at Tax Sale.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2207, R. C. M., as amended, further amended.

Section 1. That Section 2207, Revised Codes of Montana, 1935, as last amended by Section 1, Chapter 24, Session Laws of Montana of 1939, be and the same is hereby amended to read as follows:

Assignment of rights of county in property acquired at tax sale.

"Section 2207. **Assignment of Rights of County in Property Acquired at Tax Sale—Form of Certificate.** At any time after any parcel of land has been bid in by the county as the purchaser thereof for taxes, as provided in Section 2191, the same not having been redeemed, the county treasurer shall assign all the right of the county therein, acquired at such sale, to any person who shall pay the amount for which the same was bid in, with interest upon the original tax at the rate of two-thirds (2/3) of one per cent per month, and the amount of all subsequent delinquent taxes, penalties, costs, and interest, as provided by law, upon the same from time to time when such tax became delinquent. He shall execute to such person a certificate for such parcel, which may be substantially in the following form:

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Form of certificate.

'I, ..., The treasurer of the county of ....., State of Montana, do hereby certify that at the sale of lands pursuant to the tax assessment for the year 19...., in the county of ....., and which sale was held on the ..... day of ..... 19...., for the purpose of liquidating said assessment, the following described parcel of land, situate in said county of ....., State of Montana, to-wit: (insert description) was duly offered for sale; that there was no purchaser in good faith for the same as provided by law and no person or purchaser offered to take the same and pay the taxes, cost, and charges due as aforesaid. *Accordingly,* the whole amount of the property assessed and described as above was struck off to the county of ....as purchaser thereof for the sum of ....., and the same still remaining unredeemed, and on this day ..... having paid into the treasury of said county the amount for which the same was bid in, together with all subsequent delinquent taxes, penalties, cost, and interest, amounting in all to ..... dollars;

Now, therefore, in consideration thereof, and pursuant to the statute in such case made and provided, I do hereby assign and set over all the right, title and interest of the county of ....., State of Montana, acquired in said lands under and by virtue of said sale, to the said ....., his heirs and assigns, forever, together with all the rights, powers, and privileges of the said county of ..... to take steps to receive a deed thereof, or receive payment in case of a redemption, subject, however, to redemption as provided by law.

Witness my hand and official seal of office this ..... day of ....., 19.....

.....

County Treasurer.

Duplicate certificate, when—.

Provided, that in case the certificate hereinabove described shall by accident become lost or destroyed by the assignee, then in such an event the county treasurer shall issue a duplicate certificate to the assignee after the said county treasurer is convinced that the said certificate has been lost or destroyed and after the said assignee has made an affidavit to that effect.' ''

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 7, 1947.

CHAPTER 12

An Act to Amend Section 6491 of the Revised Codes of Montana of 1935 as Amended by Section 5 of Chapter 98 of the 1939 Session Laws of the State of Montana Relating to the Bond of the trustee or trustees of the Permanent Care and Improvement Fund of Cemetery Associations by Providing for the Reduction of the Bond of Such Trustee or Trustees Upon Their Deposit of Funds and Securities with the County Treasurer.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6491 of the Revised Codes of Montana, 1935, as amended by Section 5 of Chapter 98 of the 1939 Session Laws of the State of Montana, be and the same is hereby amended to read as follows: Sec. 6491, R. C. M., as amended, further amended.

"6491. **Bond of Trustee or Trustees**—*Deposit With County Treasurer.*

(a) Before exercising, or having any of the powers, duties, rights, titles, authorities, or franchises appertaining to such trust or to such trusteeship, each person chosen to be a trustee of such fund shall give to the cemetery association for which the trust is maintained, a bond in a sum *equalling at least one and one-third(1-1/3) times the value of the property on hand* at the time of giving such bond, with good and sufficient sureties thereto, who shall justify in the aggregate *in* at least double the amount of such bond, the same to be conditioned for the due and faithful performance of his trust until July first of the next even-numbered year after the year in which such bond shall be given, and until such trustee shall give a new bond as hereinafter provided. Upon the first day of July in each even-numbered year, each trustee shall give a new bond conditioned in the same way, the amount thereof to be determined by the same rule, and with sureties as above provided. Such bonds shall all be approved by a judge of the district court for the judicial district in which the cemetery for such trust exists, or some part thereof shall Bond of trustee —amount of. New bond biennially.

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To be filed with clerk of district court.

be situate, and shall be filed with the *clerk of the district court of the county in which such cemetery is located.* Any failure so to renew bonds within thirty (30) days after the time hereinbefore provided shall be a sufficient ground for removal of any trustee within the discretion of *the district court.*

Amount of bond reduced, when.

The value of the property on hand may be reduced for the purpose of fixing the amount of the bond in an amount equal to the value of the money, bonds, and securities which the trustee or trustees of the permanent care and improvement fund may elect to, and do deposit with the county treasurer as hereinafter provided.

Money in permanent care and improvement fund, deposit and withdrawal of.

(b) *The trustee or trustees of such fund may deposit such money, bonds and securities as he or they see fit with the county treasurer of the county in which said cemetery or some part thereof is situated for safekeeping, and it is the duty of the county treasurer to receive and safely keep all such moneys, bonds and securities, and pay them out, or deliver them up, or any part thereof, upon the order of such trustee or a majority of the trustees, when countersigned by a judge of said judicial district, and not otherwise, and to keep an account with such trustee or trustees of all such transactions; and for the safekeeping and payment and delivery of all such moneys, bonds and securities, as herein provided, the said treasurer and his sureties are liable upon his official bond."*

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1947.

CHAPTER 13

An Act to Provide for the Removal of the Disability of the Minority of Veterans and Their Minor Spouses for the Purpose of Obtaining Benefits Under the Servicemen's Readjustment Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The disability of minority of any person otherwise eligible for guaranty or insurance of a loan

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pursuant to the servicemen's readjustment act of 1944, as amended (P. L. 346, 79th Congress, as amended), and of the minor spouse of any eligible veteran irrespective of his or her age, in connection with any transaction entered into pursuant to said act as amended, is hereby removed, for all purposes in connection with such transaction including, but not limited to, incurring of indebtedness or obligations and acquiring, encumbering, selling, releasing, or conveying property, or any interest therein, and litigating or settling controversies arising therefrom, if all or part of any obligations incident to such transaction be guaranteed or insured by the administrator of veteran's affairs pursuant to such act; provided, nevertheless, that this act shall not be construed to impose any other or greater rights or liabilities than would exist if such person and such spouse were under no such disability.

Disability of minority of veterans and minor spouses removed for certain purposes.

Proviso.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 7, 1947.

CHAPTER 14

An Act to Provide for the Receiving as Prima Facie Evidence in Any Court, Office or Other Place in This State, Official Findings, Records, Reports, or Certified Copies Thereof, of Death, Presumed Death, Missing or Other Status, Issued by the Secretaries of War and Navy and Other Federal Officers and Employees.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A written finding of presumed death, made by the secretary of war, the secretary of the navy, or other officer or employee of the United States authorized to make such findings, pursuant to the federal missing persons act (56 Stat. 143, 1092, and 58 Stat. 679; 50 U. S. C. App. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this State as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Finding of death made pursuant to Federal Missing Persons Act to be received as prima facie evidence.

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Written report of record that person is missing, interned or captured, as prima facie evidence.

Section 2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in Section 1 or by any other law of the United States to make same, shall be received in any court, office or other place in this State as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

Prima facie presumption signature and authority of officer or employee of United States.

Section 3. For the purposes of Section 1 and Section 2 of this act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said Sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Severability of act.

Section 4. If any provision of this act or the application thereof to any person or circumstance be held invalid, such invalidity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Effective date

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1947.

CHAPTER 15

An Act to Amend Section 9485, Revised Codes of Montana, 1935, Relating to the Publication of Summons in Actions to Quiet Title.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 9485, R. C. M., amended.

Section 1. That Section 9485, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

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"Section 9485. **Form of Summons—Period of Publication—When Service Complete.** The summons to be published under the preceding sections shall be in substantially the following form:

.....

Form of summons.

Title of the court and cause
The State of Montana to the above named defendants and to all other persons unknown,

GREETING:

You are hereby summoned to answer the complaint in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint. This action is brought for the purpose of quieting title to the land situated in ..... county, Montana, and described as follows: (Here insert description of land.)

Witness my hand and the seal of said court this ..... day of .....

.....
Clerk of the above entitled court.'

Publication.

Such summons shall be published at least once in each week for *four (4) successive weeks,* in some newspaper of general circulation printed and regularly published at least once a week in the county in which the action is brought, or, if there is no such newspaper printed in such county, then such summons shall be published in like manner, for a like period, in the nearest county in which such a newspaper is printed, preference to be given, first, to an adjoining county in which any portion of the property is situated, if situated in more than one (1) county; and second, to any adjoining county. *The service of summons by publication is complete on the day of the fourth publication.*"

Service complete, when.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1947.

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CHAPTER 16

An Act to Amend Section 9118, Revised Codes of Montana, 1935, Relating to the Publication of Summons in Civil Actions.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 9118, R. C. M., amended.

Section 1. That Section 9118, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 9118. **Manner of Publication** *of Summons.* The order of the clerk must direct the publication to be made in a newspaper, to be designated as most likely to give notice to the person to be served, at least once a week for four (4) successive weeks. In case of publication, where the residence of a non-resident or absent defendant is known, the clerk must forthwith deposit a copy of the summons and complaint in the post office, directed to the person to be served, at his place of residence. When publication is ordered, personal service of a copy of the summons and complaint out of the state is equivalent to publication and deposit in the post office. *When publication is ordered and service is made by publication, such service is complete on the day of the fourth publication. When publication is ordered and personal service upon a defendant is thereafter made, either within or without the State of Montana, such service is complete on the day the personal service is made.*"

Manner of publication of summons.

Personal service out of state.

Service complete, when.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1947.

CHAPTER 17

An Act to Amend Section 2212, Revised Codes of Montana, 1935, Relating to Proof of Service of Notice of Application for Tax Deeds.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2212, R. C. M., amended.

Section 1. That Section 2212, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

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"2212. **Affidavit Showing Notice Given—Sum Allowed Therefor.** No deed of the property sold at a delinquent tax sale *shall* be issued by the county treasurer to the purchaser of the property *until the proof of service of notice of application for tax deed has been filed with the county clerk and recorder as required by Section 2209, Revised Codes of Montana, 1935.* Such purchaser is entitled to receive the sum of three dollars ($3.00) for the service of said notice and the making of said affidavit *required by Section 2209,* which sum of three dollars ($3.00) must be paid by the redemptioner at the same time and in the same manner, as other costs, percentages, penalties and fees are paid."

Proof of service of notice required.

Sum allowed for service of notice and making affidavit.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 8, 1947.

CHAPTER 18

An Act to Amend Section 4 of Chapter 104 of the Session Laws of Montana of 1939, Relating to the Disposal of Money or Property Received from Certain Estates Subject to Possible Claim by Non-Resident Aliens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4 of Chapter 104 of the Session Laws of Montana of 1939, be and the same is hereby amended to read as follows:

Sec. 4, Ch. 104, laws 1939, amended.

"Section 4. All money, including *that* realized from the sale or sales of property delivered to the county by an executor or administrator, under the provisions of this act *shall,* immediately upon its receipt by the county treasurer *be delivered to the state treasurer and by him deposited in the public school fund of the State of Montana."*

Disposal of money from sale of property.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 8, 1947.

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CHAPTER 19

An Act to Amend Section 10434, Revised Codes of Montana, 1935, Relating to the Procedure on Sale of Property by Guardians.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10434, R. C. M., amended.

Section 1. That Section 10434, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"10434. **Service or Publication of Order to Appear—Consent to Order of Sale.** A copy of the order must be personally served on the next of kin of the ward, and on all persons interested in the estate, at least *ten* days before the hearing of the petition, or must be published at least once a week for *two* successive weeks in a newspaper printed in the county, or if there be none printed in the county, then in such newspaper as may be specified by the court or judge in the order. If written consent to making the order of sale is subscribed by all persons interested therein, and the next of kin, notice need not be served or published, and the hearing may be had at any time."

Service or publication of order to appear.

Consent to order of sale.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 8, 1947.

CHAPTER 20

An Act to Amend Section 10427, Revised Codes of Montana, 1935, Relating to the Procedure to Mortgage the Property of Wards.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10427, R. C. M., amended.

Section 1. That Section 10427, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"10427. **Procedure to Mortgage** *or Lease.* To obtain an order to mortgage or lease such real estate, the proceedings to be taken and the effect thereof must be as follows:

Procedure to mortgage or lease.

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1. The guardian, or any person interested in the estate of the ward, shall file a verified petition showing, in the case of an application to mortgage real property, the following matters: The particular purpose or purposes for which it is proposed to make the mortgage, which shall be either to pay the debts, costs, and charges of maintenance, charges of administration, or to pay, reduce, extend, or renew some lien or mortgage already subsisting on said realty, or some part thereof, or for the purpose of benefiting or improving the real estate of the ward; a statement of such debts, charges, costs of administration, or liens or mortgages to be paid, reduced, extended, or renewed, or the purpose and advisability of improving the real estate, as the case may be; the advantage that may accrue to the estate from raising money, the amount proposed to be raised, together with the general description of the property proposed to be mortgaged, and the names of the ward and next of kin, if any, so far as known to the petitioner. In the case of an application to lease, said petitioner shall show the advantage that may accrue to the estate from giving the lease; a general description of the property proposed to be leased; the terms, rental, and general conditions of the proposed lease; and the names of the ward and next of kin so far as known to the petitioner.

Petition, to show what.

Application to lease.

2. Thereafter the same procedure shall be had in all respects as *is* provided *by the laws of Montana relating to the mortgaging or leasing of the real estate of a decedent, and the following Sections of Revised Codes of Montana, 1935, and acts amendatory thereof, are hereby expressly made applicable to the mortgaging or leasing of a ward's property by a guardian: Section 10249 as amended by Section 1, Chapter 170, Session Laws of Montana of 1941; Sections 10251 to 10255 inclusive and Section 10256.1 as amended by Section 2 of Chapter 170, Session Laws of Montana of 1941.*"

Subsequent procedure.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 8, 1947.

CHAPTER 21

An Act to Amend Section 24 of Chapter 44 of the Laws of the Twenty-Eighth Legislative Assembly of the State

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of Montana, 1943, Relating to Data Pertaining to Births, Deaths, Stillbirths, Legitimations, Adoptions, Marriages, Divorces and Annulments of Marriage.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 24, Ch. 44, Laws of 1943, amended.

Section 1. That Section 24 of Chapter 44 of the Laws of the twenty-eighth legislative assembly of the State of Montana, 1943, be, and the same is hereby amended to read as follows:

Adoption, duty of clerk of court.

"Section 24. In case of adoption of a person born in the State of Montana, it shall be the duty of the clerk of the district court to forward by the fifteenth of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words 'ATTENDANT'S OWN SIGNATURE' on the substitute record and insert in their stead the words 'STATE REGISTRAR' and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age, or by order of a court of competent jurisdiction. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate to its original place in the files. *In case of adoption of a person born in the United States of America but without the State of Montana, and adopted in the State of Mon-*

Substitute birth certificate.

Adoption of person born without state.

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tana, it shall be the duty of the clerk of the district court, upon request of an adopting parent and presentation to him of a certified copy of such person's birth certificate, to forward the certified copy of the birth certificate and a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar, upon receipt thereof, shall prepare a birth certificate in the new name of the adopted person, naming the true date of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall append it to the certified copy of the order of adoption and thereafter shall not issue any birth certificate.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1947.

CHAPTER 22

An Act Recognizing the Existence of a Serious Public Need Because of the Requirements of the United States of America and the Several States for Scientific Research by Trained Scientists to Promote the General Welfare and to Provide an Adequate Defense to the Nation, Recognizing the Urgent Need for Cooperation in Scientific Research Between the Several States and the United States of America; and Further Recognizing the Need for the State of Montana to Aid in Fostering, Supporting and Furthering Scientific Research Through Use of the Units Forming a Part of the University of Montana for Such Purpose; Authorizing and Directing the State Board of Examiners to Enter Into Arrangements, Agreements, or Contracts with the Proper Departments, Bureau or Agencies of the United States of America for the Use of the Units Forming the University of Montana for the Purpose of Scientific Research; Authorizing the Expenditures, for the Accomplishing of Said Purpose of Moneys Appropriated to Said Units, and Providing Payments Made by the

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United States of America Shall Revert to the Fund From Which Original Payment Is Made by Said Units.

Be it enacted by the Legislative Assembly of the State of Montana:

Declaration of need for scientific research through use of units of University of Montana.

Section 1. The legislature finds and declares a serious public need exists in this state because of the requirements of the United States of America for scientific research by trained scientists to promote the general welfare and to provide an adequate defense to the nation; and the legislature therefore recognizes an urgent need for the State of Montana to aid in fostering, supporting and furthering scientific research through use of the units forming the university of Montana for such purpose.

State Board of Examiners arrange with federal agencies for use of units of university for research.

Section 2. Notwithstanding any inconsistent provisions of any general, special, or local law, the state board of examiners is authorized and directed to enter into arrangements, agreements, or contracts with the proper department, bureau or agency of the United States of America, for the use of the units forming the university of Montana for the purpose of scientific research; and from any moneys appropriated to any unit of the university, the state board of examiners is authorized and directed to expend moneys for the purpose of providing personnel, facilities, and instructional services, and for the purchase of needed equipment, materials, and supplies, on the arrangement, agreement, or contract of said United States of America to repay any sums so expended, the providing of personnel, facilities and instructional services and the purchase of needed equipment, materials, and supplies to be made without regard to any laws relating to advertising for bids or competitive bidding; and when payment therefor has been received from the United States of America said payment shall revert to the fund from which original payment was made.

Moneys for such purpose.

Competitive bidding not required.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1947.

CHAPTER 23

An Act to Provide a Method for Selling and Conveying Real Property Now Owned or Hereafter Acquired by

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the State of Montana as Trustee for the Use and Benefit of the State Department of Public Welfare.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Whenever a majority of all of the members of the state board of public welfare, at any regular or special meeting of such board, shall determine that it would be for the best interests of the state department of public welfare to sell any real property which it has acquired, or may acquire in the future, the title to which is in the State of Montana for the use and benefit of the state department of public welfare, a certififed copy of said determination shall be transmitted to the state board of examiners.

Determination by State Board of Public Welfare re sale of real property.

Section 2. Upon the receipt of such determination, the state board of examiners shall at its next or subsequent meeting or meetings give consideration to the determination made by the state board of public welfare, and if such determination is approved by a majority of the state board of examiners they shall so certify their approval to the commissioner of state lands.

Approval by State Board of Examiners.

Section 3. The commissioner of state lands upon receipt of such certificate of approval shall forthwith proceed to advertise and offer such real property for sale and sell the same as hereinafter provided.

Commissioner of State Lands to advertise such property for sale.

Section 4. All such sales as herein provided shall be only at public auction held at a designated room in the county court house in the county wherein the property to be sold is located, or on the property to be sold, in the discretion of the commissioner. All sales shall be for cash and subject to the approval of the state board of examiners.

Sales.

Section 5. The commissioner shall cause a notice of every such sale to be given by publication in the official county paper of the county where the sale is to be held once each week through four consecutive weeks (five issues) next preceding the date of sale. Such notice shall give the day, date and time of day of the beginning of the sale; shall contain a description and location of the land to be sold, in the form which will advise the public of its location and area if it is unplatted property. The notice shall also give the terms and conditions of sale and

Notice of sale, and publication thereof.

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such additional information as the commissioner may deem useful.

Approval of sale, and execution of conveyance.

Section 6. After the sale the commissioner shall make written report to state board of examiners of the sale and if the report is approved by a majority of such board a conveyance shall be executed to the purchaser on behalf of the State of Montana, by the governor and attested by the secretary of state.

Costs, how paid.

Section 7. All costs of advertising and conducting the sale shall be paid from the proceeds thereof and the residue deposited in the state treasury to the credit of the state department of public welfare.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date

Section 9. This act shall be in full force and effect from and after passage and approval.

Approved February 8, 1947.

CHAPTER 24

An Act to Amend Section 3886 of the Revised Codes of Montana, 1935, as Amended by Chapter 160 of the Session Laws of Montana of 1945, by Changing the Date When Public Utilities Shall Close Their Accounts and File Reports With the Public Service Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3886, R. C. M., as amended, further amended.

Section 1. That Section 3886 of the Revised Codes of the State of Montana, 1935, as amended by Chapter 160 of the laws of the twenty-nine legislative assembly of the State of Montana, 1945, be and the same hereby is amended to read as follows:

"Section 3886. *Annual Report to Public Service Commission.* The accounts of *all* public utilities shall be closed annually on *either the 30th day of June* or the 31st day of December, a balance sheet taken promptly therefrom, and full annual reports of the business *of such utility* made to the *public service* commission not later than the 15th day *of the first following September if such accounts are closed on the 30th day of June, and not later than the*

Annual report to Public Service Commission.

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15th day of March of the first following year when such accounts are closed on the 31st day of December. The reports shall be in such form as prescribed by the commission, and shall contain all the information deemed by the commission necessary for the proper performance of its duties. The commission may at any time call for desired information omitted from such reports, or not provided for therein, whenever, in the judgment of the commission, such information is necessary."

Repealing clause.

Section 2. All laws and acts and parts of laws and acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 10, 1947.

CHAPTER 25

An Act to Amend Section 16 and to Repeal Section 10713 R. C. M. 1935, Relating to the Definition of Terms As Used in the Revised Codes of Montana of 1935 and of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 16, R. C. M., amended.

Section 1. That Section 16 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 16. **Certain Words Defined.** *The following words when used in the Revised Codes of Montana of 1935 or in the Revised Codes of Montana of 1947, or in any Act amendatory of or supplemental to either of said codes, shall have the following meanings and interpretations unless otherwise apparent from the context.* The present tense includes the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular; the word person includes a corporation as well as a natural person; writing includes printing; oath includes affirmation or declaration, and every mode of oral statement under oath or affirmation is embraced in the term "testify", and every written one in the term "depose"; signature or subscription includes mark when the person cannot write, his name being written near it,

Certain words defined.

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and *written* by a person who writes his own name as a witness. The following words also have the signification attached to them in this Section, unless otherwise apparent from the context:

"Property". 1. The word "property" includes property real and personal.

"Real property". 2. The words "real property" are co-extensive with lands, tenements, hereditaments and possessory titles to public lands.

"Personal property". 3. The words "personal property" include money, goods, chattels, things in action and evidence of debt.

"Year". 4. The word "year", means a calendar year, and a "month", a calendar month, unless otherwise expressed. Fractions of a year are to be computed by the number of months, thus, half a year is six (6) months. Fractions of a day are to be disregarded in computations which include more than one (1) day and involve no questions of priority.

"State". 5. The word "State", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories.

"Will". 6. The word "will" includes codicils.

"Writ". 7. The word "writ" signifies an order or precept in writing, issued in the name of the state, or of a court or judicial officer; and the word "process", a writ or summons issued in the course of judicial proceedings.

"Vessel". 8. The word "vessel" when used in reference to shipping, includes ships of all kinds, steamboats and steamships, canal boats and every structure adapted to be navigated from place to place.

"Peace officer". 9. The term "peace officer" signifies any of the officers mentioned in Section *11620 R. C. M. 1935.*

"Magistrate". 10. The term "magistrate" signifies any one of the officers mentioned in Section *11619 R. C. M. 1935.*

"Several". 11. The word "several" means two (2) or more.

"Third persons". 12. The words "third persons" include all who are not parties to the obligation or transaction concerning which the phrase is used.

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"Usage". 13. Usage, is a reasonable and lawful public custom concerning transactions of the same nature as those which are to be affected thereby, existing at the place where the obligation is to be performed, and either known to the parties or so well established, general and uniform, that they must be presumed to have acted with reference thereto.

"Usual". 14. The words "usual" and "customary" mean "according to usage".

"Wilfully". 15. The word "wilfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.

"Neglect", etc. 16. The words "neglect", "negligence", "negligent", and "negligently" import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

"Corruptly". 17. The word "corruptly" imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

"Malice", "maliciously". 18. The words "malice" and "maliciously" import a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.

"Knowingly". 19. The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

"Bribe". 20. The word "bribe" signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity.

"Seal". 21. When the seal of a court or public officer is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone.

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or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word "seal" against his name."

Repealing clause.

Section 2. Section 10713 R. C. M. 1935, and all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 26

An Act Amending Section 759 R. C. M. 1935, Relating to the Purchase and Use of Voting Machines at Elections.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 759, R. C. M., amended.

Section 1. That Section 759 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 759. **Purchase and Use of Voting Machines at Elections.** The boards of county commissioners of counties of the first class shall, and the boards of county commissioners of other counties and city councils of all cities and towns, may, at their option, adopt and purchase, for use in the various precincts, any voting machine approved in the manner above set forth in *Section 757 R. C. M. 1935, as amended by Section 1, Chapter 19, Session Laws of Montana of 1943, by the secretary of state,* and none other. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in a city, village, or town, as many may be supplied as it is practicable to procure, and the same shall be used in such precinct of the municipality, as the proper officers may order. The proper officers of any city, village, or town may, not later than the tenth (10th) day of September, in any year in which a general election is held, unite two or more precincts into one for the purpose of using therein at such election a voting machine, and the notice of such uniting shall be given in the manner prescribed by law for the change of election districts."

Purchase and use of voting machines at elections.

Uniting precincts.

Effective date

Section 2. This act shall take effect upon its passage and approval.

Approved February 11, 1947.

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CHAPTER 27

An Act to Amend Section 953 R. C. M. 1935, Relating to the Oath and Bond of the County Superintendent of Schools.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 953 R. C. M. 1935, be, and the same is hereby amended to read as follows: Sec. 953, R. C. M., amended.

"Section 953. **Oath and Bond.** The person so elected shall take the oath or affirmation of office and shall give an official bond as required by law." Oath and bond.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 11, 1947.

CHAPTER 28

An Act to Amend Section 1205 R. C. M. 1935, Relating to the Expenditure of County School Money.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1205 R. C. M. 1935, be, and the same is hereby amended to read as follows: Sec. 1205 R. C. M., amended.

"Section 1205. **Purposes for Which Money May Be Used.** County school moneys may be used by the county superintendent and trustees for the various purposes as authorized and provided in this Act, and for no other purpose, except that in any district any surplus in the general school fund to the credit of said district, after providing for the expenses of not less than nine (9) months' school *and a reserve fund of thirty-five per cent (35%) of the budget for the nine (9) months' term of the current year*, may, on the vote of the qualified electors of said district, be used for the purpose of improving buildings and grounds, or erecting school buildings, a teacherage, or barn. If any school money shall be paid by authority of the board of trustees for any purpose not authorized by this chapter, the trustees consenting to such payment shall be liable to the district for the repayment of such sum, and a suit to recover the same may be brought Purposes for which money may be used. Liability of trustees.

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by the county attorney, or if he shall refuse to bring the same, a suit may be brought by any taxpaying elector in the district."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 29

An Act to Amend Section 2214 R. C. M. 1935, Relating to Tax Deeds and Regulating Actions Concerning the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2214 R. C. M., amended.

Section 1. That Section 2214 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 2214. **Procedure in Actions to Quiet Title to Tax Deed Property.** In any action now pending, or hereafter brought to set aside or annul any tax deed, or to quiet title, or to determine the rights of such purchaser, including the county, or his successors, to real property claimed to have been acquired by reason of tax proceedings or a tax sale, the purchaser or his successor upon filing an affidavit may obtain from the court an order directed to the person claiming to own the property, or to have any interest in or lien upon said property, or a right to redeem the same, or claiming rights hostile to the tax title (which said person is herein, for convenience, called the true owner), commanding him to deposit in court, to the use of the tax purchaser or his successors, the amount of all taxes, interest and penalties which would have accrued if said property had been regularly and legally assessed and taxed as the property of said true owner and sold for delinquent taxes and was about to be redeemed by him, and the amount of all sums reasonably paid *thereafter* by said purchaser or his successors after three (3) years from the date of said tax sale in preserving said property or in making improvements thereon while in possession thereof, as the total amount of said taxes, interest, penalties and improvements is alleged by the plaintiff and *as* shall appear i:

Procedure in actions to quiet title to tax deed property.

Order of court.

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said order, or to show cause on a date to be fixed in said order, not exceeding thirty (30) days from the date thereof, why such payments should not be made. Said affidavit shall set forth the place of residence of said true owners and whether they are in the State of Montana, if known to the plaintiff, or that the same is not known to the plaintiff.

Filing and service.

Said order shall be filed with the clerk and a copy served personally upon all persons shown in said affidavit to be residents of and in the State of Montana, and jurisdiction shall be acquired over all other persons by publishing the same once in a newspaper in the county, and by posting the same in three (3) public places in the county at least ten (10) days before the day fixed for the hearing and by leaving a copy with the county treasurer.

Upon the hearing of the order to show cause the court shall have jurisdiction to determine said amount and to make an order that the same be paid into court within a given time, not exceeding thirty (30) days after the making of said order. If such amount, when so determined, shall not be paid within the time fixed by said court, then said true owner shall be deemed to have waived any defects in the tax proceedings and any right of redemption, and thereupon, irrespective of any irregularities, defects or omissions or total failure to observe any of the provisions of the statutes of Montana regarding the assessment, levying of taxes, or sale of property for taxes, and the giving of notices, including notices of redemption, or concerning tax deeds, whether or not such omissions or failures make said proceedings void (other than that the taxes were not delinquent or have been paid), the title of such true owner shall not be quiet as against said purchaser or his successors, and a decree shall be entered in said action quieting the title of said purchaser or his successor as against said true owner.

Decree.

Disposition of money.

If such payment shall be made into court, and said true owner shall be successful in said action and said tax proceedings shall be held void, said sum shall be paid to the purchaser or his successors. If said true owner shall not be successful in said action and the title of said purchaser or his successors shall be sustained, said money shall be returned to said true owner.

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In actions to quiet title, when brought by the purchaser or the county, or their successors, several tracts of land contiguous or non-contiguous, and whether owned by different defendants, may be set forth in one complaint, and all persons claiming any title to or interest in or lien upon any of said premises, or any part thereof, although their said claims are independent and not in common, and do not cover the same tracts, may be joined as defendants. The procedure in said action shall follow, as near as may be, the procedure specified in Sections 9479 to 9488.

Joinder of defendants.

Final judgment.

In the final judgment the court shall also determine the rights growing out of any additional taxes on said property accruing or being paid by either party during the pendency of said suit and, in said suit, the court shall have complete jurisdiction to fix the amount of taxes which should have been paid and to determine all questions necessary in granting full relief, including the power, in appropriate cases to order any assessor or other tax officer to make and certify to the court a corrected or new assessment or to do any other act or thing necessary to enable the court to do complete justice in the premises. Errors may be reviewed on appeal from the final judgment."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 30

An Act to Amend Section 4455 R. C. M. 1935, Relating to the Official Bond of County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4455 R. C. M., amended.

Section 1. That Section 4455 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Bond of county commissioners.

"Section 4455. **Bond of County Commissioners.** Each person elected or appointed to the office of county commissioner must, before he enters upon the duties of his office, execute and file with the clerk of the district court of the county a bond, as provided in Section 466, R. C. M. 1935."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 31

An Act Relating to the Methods of Extending the Existence of Certain Private Corporations; and Repealing Sections 5916, 5916.1, 5917.1 to 5917.4 Inclusive, Revised Codes of Montana of 1935 and Chapter 32 of the Session Laws of Montana of 1937 and Chapter 127 of the Session Laws of Montana of 1943, and All Other Acts and Parts of Acts in Conflict Herewith; All of Which Said Code Sections and Session Laws Relate to the Extension of the Term of Existence of Certain Private Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Extension of term of corporate existence.

Section 1. **Extension Term of Corporate Existence.** When the term of years for which any private corporation heretofore or hereafter organized under any law of the State or Territory of Montana, was incorporated, or its extended term of corporate existence has expired or is about to expire, and said corporation is carrying on the business for which it was incorporated, and has not been administered upon as an expired corporation, or gone into liquidation or had any settlement of its affairs, the term of existence of said corporation may be extended within the limits provided by law by amendment to its articles of incorporation in any of the following ways.

Adoption of resolution by stockholders.

Section 2. **Adoption Resolution by Stockholder.** At any regular or special meeting of the stockholders or members of any corporation specified in Section 1 of this act, called and noticed in the manner designated in Sections 3 and 4 of this act, a resolution may be adopted amending the articles of incorporation of such corporation by extending its corporate existence within the limits provided by Section 5926 R. C. M. 1935, after notice given as follows:

Publication and mailing of notice.

Section 3. **Publication and Mailing Notice—Waiver.** Written or printed notice of such meeting must be deposited in the post office addressed to each stockholder of record of said corporation entitled to vote at such meeting

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under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, at his usual or last known place of residence, at least thirty (30) days previous to the date set for the holding of such meeting; in addition said notice must be published once a week for four (4) successive weeks in a daily or weekly newspaper published in the county wherein the principal place of business of such corporation is situated. If no newspaper is published in said county, it shall not be necessary to publish said notice. In case the holders of two-thirds (2/3) of the stock of such corporation outstanding and entitled to vote as aforesaid, including such proportion of each or any class of stock as may be required by the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock, shall file in the office of such corporation their written consent to the proposed amendment, publication of such notice shall not be necessary.

Waiver of publication.

Section 4. **Contents of Notice.** *The notice specified in the preceding section shall state the time and place of said meeting, shall distinctly specify the purpose thereof and shall state the length of the proposed extension of the term of existence of said corporation.*

Contents of notice.

Section 5. **Organization of Meeting—Voting.** If at the time and place of said meeting, as specified in said notice, stockholders of said corporation shall appear in person or by proxy in number representing not less than two-thirds (2/3) of the capital stock of the corporation outstanding and entitled to vote under the articles of incorporation or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock, the meeting shall organize by choosing a chairman and secretary and the meeting shall then proceed to vote upon the matter or matters proposed in said notice.

Organization of meeting.

Voting.

Section 6. **Certificate of Proceedings — Preparation and Filing.** If, on canvassing the votes, it shall appear that at least two-thirds (2/3) of the capital stock of such corporation outstanding and entitled to vote under the articles of incorporation, or amendments thereto, and the laws and constitution of Montana, including such proportion of each or any class of stock, as may be required by

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the original or amended articles of incorporation, or two-thirds (2/3) of the members, in case such corporation has no capital stock have voted in favor of the proposition submitted, a certificate of the proceedings showing in all cases a compliance with the provisions of this Act, containing a copy of the resolution adopted and showing the vote thereon, and the number of shares of stock of each class voted thereon, shall be made out, signed and verified by the affidavit of the Chairman of such meeting, and countersigned by the secretary of the meeting, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk shall be filed in the office of the secretary of state. A copy of such certificate shall likewise be filed in the office of the county clerk and recorder of any county to which said corporation may have changed its place of business.

Certificate of proceedings, preparation and filing of.

Section 7. **Amendment, When Effective—Evidence—Pending Suits Not Affected.** Upon the filing of such certificate in the office of the secretary of state in the manner provided in the preceding section, the designated amendment shall immediately become effective. A copy of such certificate, duly certified by the secretary of state, shall be prima facie evidence of the facts therein stated, and shall be received as such evidence in all courts of the state. No amendment shall affect any cause of action in favor of or against such corporation nor any pending suit in which such corporation shall be a party, nor shall the rights of any person be in any way prejudiced thereby, nor shall suits brought against such corporation by its former name be abated for that cause.

Amendment, when effective.

Prima facie evidence.

Pending suits not affected.

Section 8. **Extension by Stockholders — Procedure.** *In addition to the extension of the term of corporate existence by vote of the stockholders or members of a corporation after notice as provided in this act, such extension may be made by the trustees or directors of any corporation specified in Section 1 of this act in the following manner. At any regular annual meeting of such corporation held at the time and place prescribed by its by-laws for the election of directors, at which meeting a quorum as defined by Section 5946 R. C. M. 1935, is present, or at any special meeting of the stockholders or members of such corporation called, noticed and held for*

Extension by vote of stockholders.

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that specific purpose, in the manner prescribed by its by-laws, and at which a quorum as defined by said Section 5946, is present, a resolution extending the term of its corporate existence may be adopted by not less than a two-thirds (2/3) vote of the capital stock of such corporation present and entitled to vote. Thereafter a certificate of such proceedings shall be prepared and filed in the manner specified in Section 6 of this act and shall have the same effect as declared by Section 7 hereof.

Resolution by stockholders.

Certificate.

Section 9. **Extension by Trustees or Directors—Procedure.** *In addition to the methods of extending corporate existence here above specified, the board of directors or trustees of any corporation described in Section 1 of this act, may (unless prohibited by a resolution approved by a majority vote of the outstanding capital stock of such corporation entitled to vote), adopt a resolution by vote of not less than two-thirds (2/3) of the members of such board present at any meeting of said board whether regular or special, noticed and held at the time and place and in the manner provided by the by-laws of such corporation for the holding of trustees or directors meetings extending the term of existence of such corporation for a specified period within the limits provided by law.* A certificate of the proceedings had at such meeting showing in all cases a compliance with the provisions of this act, containing a copy of the resolutions adopted and showing the vote thereon shall be made out, signed by the chairman and secretary, of the meeting and at least two-thirds (2/3) of the members of the board of directors or trustees. The seal of the corporation shall be affixed thereto and attested by the proper officer of said corporation. Such certificate shall be filed in the office of the county clerk of the county wherein the original articles of incorporation were filed and a copy thereof, certified by such county clerk, shall be filed in the office of the secretary of state. Upon the filing of such certificate and certified copy thereof, as hereinabove provided, the term of existence of such corporation shall thereupon be extended for the term and period expressed in said resolution and certificate. If such corporation has changed its principal office and place of business to another county in this state a similar certified copy shall likewise be filed in the office of the county clerk of such county.

Extension by trustees or directors.

Certificate.

Filed, where.

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Repealing clause.

Section 10. **Repealing Clause—Proviso.** *Section 5916, Section 5916.1, Section 5917.1 to Section 5917.4 inclusive, R. C. M. 1935, Chapter 32 of the Session Laws of Montana of 1937, and Chapter 127 of the Session Laws of Montana of 1943, and all other acts and parts of acts in conflict herewith, be, and they are hereby repealed, provided however that said repeals shall in no way affect any rights heretofore accrued or any extension of corporation existence heretofore made under any of said repealed enactments.*

Proviso.

Exception.

Section 11. **Exceptions From Act.** *Nothing in this act contained shall be deemed to prevent any corporation now or hereafter entitled to perpetual succession from availing itself of that right in the manner provided by law.*

Approved February 11, 1947.

CHAPTER 32

An Act to Amend Section 5918 R. C. M. 1935, Relating to the Amendment of Articles of Incorporation of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5918 R. C. M., amended.

Section 1. That Section 5918 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Amendment of articles of incorporation.

"Section 5918. **Amendment Articles of Incorporation —Purposes.** Any corporation heretofore or hereafter organized under any of the laws of the State of Montana, may, in the manner herein provided, amend its articles of incorporation by changing the name, place of business or number of directors, by changing the number, par value, character, class or preference of its shares of capital stock, by increasing or decreasing the capital stock, by changing or extending its powers or business to embrace any power or purpose for which corporations may be organized under the laws of Montana, or by an amendment in respect to any other matter which might lawfully have been originally provided in such articles of incorporation, or is now or may be, by law, provided in original articles of incorporation or in amendments thereto."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 33

An Act to Amend Section 6010 R. C. M. 1935, Relating to the Method of Dissolving Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6010 R. C. M., amended.

Section 1. That Section 6010 R. C. M. 1935, relating to the methods of dissolving corporations, be, and the same is hereby amended to read as follows:

Dissolution of corporations.

"Section 6010. **Dissolution of Corporations.** A corporation is dissolved:

Expiration of term.

1. By expiration of the time limited by its charter provided its corporate existence is not extended *in the manner provided by law*; or

Judgment of court.

2. By a judgment of dissolution in the manner provided by Sections 9576 to 9601 *R. C. M. 1935*, governing quo warranto proceedings and in the manner provided by Sections 9922 to 9928 *R. C. M. 1935*, governing voluntary dissolution of corporations by decree of court; or

Voluntary dissolution.

Legislative act.

3. By an act of the legislative assembly; or

By directors.

4. A corporation which has ceased to transact business and which has no assets may likewise be dissolved by the directors in the manner provided by Sections 9929 to 9932 *R. C. M. 1935*."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 34

An Act Amending Section 1 and Repealing Sections 2, 3 and 4 of Chapter 185, Session Laws of Montana of 1937, Relating to the Continual Existence of Certain Corpora-

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tions and Water Users' Associations and the Amendment of Their Articles of Incorporation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 185, Session Laws of Montana of 1937, be, and the same is hereby amended to read as follows:

Sec. 1, Ch. 185 Laws 1937, amended

"Section 1. **Right of Continual Succession—How Exercised.** Corporations and water users' associations heretofore or hereafter organized under the laws of the State of Montana for the purpose of acquiring and owning water rights and constructing, maintaining and operating canals, ditches, flumes and other works for conveying water, and reservoirs for storing the same, or for any of the purposes mentioned in this Section, shall have continual existence, *and may amend their articles of incorporation to provide for continual existence, by pursuing any of the methods now or hereafter provided by law for amendment of articles of incorporation of corporations.*"

Right of continual succession, how exercised.

Section 2. **Repealing Clause.** That Sections 2, 3 and 4 of Chapter 185, Session Laws of Montana of 1937, and all acts and parts of acts in conflict herewith, are hereby repealed.

Repealing clause.

Approved February 11, 1947.

CHAPTER 35

An Act to Amend Section 5039.63 of the Revised Codes of Montana of 1935, Relating to the Powers of City and Town Councils.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5039.63 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 5039.63 R. C. M., amended.

"Section 5039.63. The city or town council has power: To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erection of public buildings, construction of sewers, bridges, *docks, wharves, breakwaters, piers, jetties, moles,* waterworks,

Powers of council to borrow money, for what purposes.

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lighting plants, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches and water rights for supplying the city or town with water, and the funding of outstanding warrants and maturing bonds; provided, that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not, at any time, exceed three per centum (3%) of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes; provided, that no money must be borrowed on bonds issued for the construction, purchase, or securing of a water plant, water system, water supply, or sewerage system, until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof; and, further provided, that an additional indebtedness shall be incurred, when necessary, to construct a sewerage system or procure a water supply for the said city or town, which shall own or control said water supply and devote the revenue derived therefrom to the payment of the debt. The additional indebtedness authorized, including all indebtedness heretofore contracted, which is unpaid or outstanding, for the construction of a sewerage system, shall not exceed ten per centum (10%) over and above the three per centum (3%) heretofore referred to, of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes; and, provided further, that the above limit of three per centum (3%) shall not be extended, unless the question shall have been submitted to a vote of the taxpayers affected thereby, and carried in the affirmative by a vote of the majority of said taxpayers who vote at such election. It is further provided, that whenever a franchise has been granted to, or a contract made with, any person or persons, corporation or corporations, and such person or persons, corporation or corporations, in pursuance thereof, or otherwise, have established or maintained a system of water supply, or have valuable water rights or a supply of water desired by the city or town for supplying the said city or town with water, the city or town granting such franchise or entering in such contract or desiring such water supply, shall, by the passage of an ordinance, give notice to such person or persons, corporation or corporations, that it

Proviso, limitation of indebtedness.

Proviso, vote of taxpayers required, when.

Additional indebtedness authorized, when and to what extent.

Purchase by city or town of franchise and water supply, procedure for.

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desires to purchase the plant and franchise and water supply of such person or persons, corporation or corporations, and it shall have the right to so purchase the said plant or water supply, upon such terms as the parties agree; in case they cannot agree, then the city or town shall proceed to acquire the same under the laws relating to the taking of private property for public use, and any city or town acquiring property under the laws relating to the taking of private property for public use, shall make payment to the owner or owners of the plant or water supply of the value thereof legally determined, within six (6) months from and after final judgment is entered in the condemnation proceedings. For the purpose of providing the city or town with an adequate water supply for municipal and domestic purposes, the city or town council shall procure and appropriate water rights and title to the same, and the necessary real and personal property to make said rights and supply available, by purchase, appropriation, location, condemnation, or otherwise. Cities and towns shall have jurisdiction and control over the territory occupied by their public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works, and also over the source of stream for which water is taken, for the enforcement of its sanitary ordinances, the abatement of nuisances, and the general preservation of the purity of its water supply, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city or town shall be authorized to condemn private property in the manner provided by law, and shall have authority to levy a just and equitable tax on all consumers of water for the purpose of defraying the expenses of its procurement."

Condemnation proceedings.

Providing water supply, authority of city.

Jurisdiction of cities and towns.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall take effect, and be in full force, from and after its passage and approval.

Effective date.

Approved February 11, 1947.

CHAPTER 36

An Act Validating Certain Instruments Affecting Real

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Property and Which Were Erroneously Executed or Acknowledged, Notice Imparted by Recording Thereof, and Providing That Duly Certified Copies Thereof May Be Read in Evidence, With Like Effect as Copies of an Instrument Duly Executed, Acknowledged and Recorded.

Be it enacted by the Legislative Assembly of the State of Montana:

Validation of recorded instruments affecting real property notwithstanding defects.

Section 1. Any instrument affecting real property, which was, previous to the date this act takes effect, copied into the proper book, kept in the office of the county clerk and recorder, shall be deemed to impart, after that date, notice of its contents to subsequent purchasers and encumbrancers, notwithstanding any defect, omission, or informality in the execution of the instrument or in the certificate of acknowledgment thereof, or the absence of any such certificate; and all such instruments heretofore acknowledged by the vice president and assistant secretary of any corporation, or by either of them, or other person duly authorized by resolution by such corporation executing the same on behalf of the corporation, and recorded, shall be valid and shall have the same force and effect as though acknowledged by the president or secretary; but nothing herein shall be deemed to affect the rights of purchasers or encumbrancers previous to that date. Duly certified copies of the record of any such instrument may be read in evidence, with like effect as copies of an instrument duly acknowledged and recorded.

Certified copies as evidence.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 11, 1947.

CHAPTER 37

An Act to Cure Defects in Deeds and Conveyances Heretofore Made to Real Property That Are Defective in Execution or Acknowledgment.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All deeds to real property heretofore exe-

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cuted in this state, or any state or territory of the United States, which shall have been signed by the grantors in due form, shall be sufficient in law to convey the legal title to the premises therein described from the grantors to the grantees, without any other execution or acknowlegment or witnesses thereto whatever; and such deeds so executed shall be received in evidence in all courts in this state, and be conclusive evidence of the title to the lands therein described against the grantors, their heirs and assigns.

Deeds to real property heretofore executed validated, despite lack of witnesses or acknowledgment.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 11, 1947.

CHAPTER 38

An Act to Amend Section 12428 R. C. M. 1935, Relating to payment of Fees to Public Officers and Others for Procuring the Surrender of Fugitives.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12428 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Sec. 12428 R. C. M. amended.

"Section 12428. **No Fee to Be Paid to Public Officer Procuring Surrender.** No compensation, fee or reward of any kind can be paid to or received by a public officer of this State, or other person, for a service rendered in procuring from the governor the demand mentioned in *Section 21, Chapter 190, Session Laws of Montana of 1937* or *for* the surrender of the fugitive or for conveying him to this state, or detaining him therein, except as provided for in such section."

No fee to be paid public officer procuring surrender.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 11, 1947.

CHAPTER 39

An Act to Amend Section 5994 of the Revised Codes of Montana, 1935, Relative to the Powers of Corporations

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Heretofore or Hereafter Organized Under Any of the Laws of Montana, Whether Formed and Existing Before or After the Taking Effect of the Codes on July 1, 1895, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5994 R. C. M., amended.

Section 1. That Section 5994, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Powers of corporations.

"5994. **Powers of Corporations.** Any corporation hereafter organized or now existing under any of the laws of the State of Montana, whether formed and existing before or after the taking effect of the codes on July 1, 1895, as such, has power:

1. Of succession, by its corporate name, for the period limited in its articles of incorporation;

2. To sue and be sued, in any court;

3. To make and use a common seal, and alter same at pleasure;

4. To purchase, hold and convey such real and personal estate as the purposes of the corporation may require;

5. To appoint such subordinate officers or agents as the business of the corporation may require, and to allow them suitable compensation;

6. To make by-laws, not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and for the transfer of its stock;

7. To enter into any obligations or contracts essential to the transaction of its ordinary affairs, or for the purposes of the corporation;

Stock, classes, restrictions, series of.

8. To create two (2) or more kinds of stock of such classes, with such designation, and with such voting powers, if any, with any desired limitations and restrictions thereof, as shall be stated in the original or amended articles of incorporation, and, if desired, in one or more series as to any class, and with such designation and description of the manner of issuing, preferences, limitations, restrictions, and other terms and conditions of or on which each

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class of stock, or series thereof, shall be issued, as shall be described and set forth in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation if delegation of power so to do is set forth in the original or amended articles of incorporation. Any such corporation may also, by provision in its original or amended articles of incorporation, deny or limit to the present or future stockholders of any or all classes of stock any pre-emptive or preferential right to subscribe to any or all additional issues of stock of any or all classes, or bonds, debentures or other obligations convertible into stock. Subject to the provisions of the constitution and laws of Montana fixing the required representation and proportion of outstanding capital stock required to be represented and voted, for specified action, at any and all corporate meetings, elections, votes, or consent proceedings, such corporation may, by provision in its original or amended articles of incorporation, fix the proportion of each or any class of stock which shall be required to be represented or voted, for specified action, at any such meeting, election, vote or consent proceeding. Any such corporation shall also have power, by provision in its original or amended articles of incorporation, to issue bonds, debentures or other obligations, convertible into stock of any class, in amounts, upon the terms, in the manner and under the conditions provided by resolution of the board of directors. Any such corporation shall also have power, by provision in the original or amended articles of incorporation, or by resolution of the board of directors of the corporation, if delegation of power so to do is set forth in the original or amended articles of incorporation, to make the stock of any class, or series thereof, convertible into stock of any other class or classes, or of any other series of the same or any other class or classes, upon such terms and conditions as shall be expressed in the original or amended articles of incorporation, or in a resolution of the board of directors of the corporation if delegation of power so to do is set forth in the original or amended articles of incorporation. The power to increase or decrease the stock, as in this code elsewhere provided, shall apply to any and all classes of stock; but at no time shall the total amount of the preferred stock exceed two-thirds (2/3) of the actual capital paid in cash or property; and such preferred stock, or any series thereof, may, if desired, be made subject to redemp-

Additional issues, preferential right to subscribe to.

Representation and proportion of stock for voting.

Issuance of bonds convertible into stock.

Conversion of stock into stock of another class.

Preferred stock.

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tion at not less than par, at a price, to be expressed in the stock certificate thereof; and the holders thereof shall be entitled to receive, and the corporation shall be bound to pay thereon, a fixed yearly dividend, if actually earned, to be expressed in the certificate, not exceeding eight per centum (8%) payable quarterly, semi-annually, or annually, before any dividend shall be set apart or paid on the common stock, and such dividend may be made cumulative. Unless its original or amended articles of incorporation shall so provide, no corporation shall create preferred stock.

Issuance of a class of stock not provided for in articles of incorporation.

Before any corporation shall issue any shares of stock of any class, or series thereof, of which the designations, manner of issuing, preferences, limitations, restrictions and other terms and conditions, shall not have been set forth in the articles of incorporation, or in any amendment thereto, but shall be provided for in a resolution or resolutions adopted by the board of directors, pursuant to authority expressly vested in it by the provisions of the articles of incorporation or an amendment thereto, a certificate, setting forth a copy of such resolution or resolutions, shall be made under the seal of the corporation, and signed by the president or vice-president, and by the secretary or an assistant secretary of the corporation, and acknowledged by such president or vice-president before an officer authorized by the laws of Montana to take acknowledgments of deeds, and shall be filed in the office of the county clerk of the county where the original articles of incorporation of such corporation were filed, and a copy thereof, certified by such county clerk, shall be filed in the office of the secretary of state.

May puchase its own stock, when.

9. To purchase or otherwise acquire, directly or indirectly, any shares of stock issued by it in any and all cases where such corporation may under existing law have the power to make the purchase or acquisition, including, but without limitation, the following cases:

(A) *For the purpose of collecting or compromising in good faith a debt, claim or controversy with any shareholder;*

(B) *From shareholders who by reason of dissent from any proposed corporate action are entitled under Sections 6006 and 6007 of the Revised Codes of Montana of 1935 to be paid the value of their shares;*

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(C) *From one who as an employee, other than as an officer or director, has purchased such shares from the corporation under an agreement reserving to the corporation the option to repurchase or obligating it to repurchase such shares*;

(D) *To eliminate fractional shares*;

(E) *To redeem or purchase shares subject to redemption at prices not exceeding the redemption price thereof*;

(F) *To carry out the provisions of its articles of incorporation authorizing the conversion of its shares*; *and*

(G) *Subject to any limitations contained in its articles of incorporation, out of earned surplus.*

How paid for.

Shares may be acquired either out of stated capital or from any surplus under the above subdivisions (A) to (E) inclusive. Purchases from earned surplus under the above subdivision (G) are not limited to cases authorized under other subdivisions of this section.

Purpose of act.

Nothing herein shall in any way limit the powers now existing of a corporation with respect to the purchase or acquisition of its shares of stock, and this act shall be considered as a restatement and reaffirmation of corporate powers heretofore existing in that regard."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1947.

CHAPTER 40

An Act Directing All Departments, Boards, Bureaus, Commissions and Other Agencies of the State to Pay to the Public Employees' Retirement Fund Out of Monies Heretofore Appropriated and Unexpended During the Biennium July 1, 1945, to July 1, 1947, or Hereafter Appropriated the Employer Contribution Specified by Chapter 212 of the Laws of the Twenty-ninth Legislative Assembly, 1945.

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Be it enacted by the Legislative Assembly of the State of Montana:

All departments of state to pay percentage to Public Employees' Retirement Fund.

Section 1. All departments, boards, bureaus, commissions, and other agencies of the state shall pay to the public employees' retirement fund out of monies heretofore appropriated to them and unexpended during the biennium July 1, 1945, to July 1, 1947, or hereafter appropriated to them a sum equal to the percentage of total compensation paid members of the retirement system and designated in the provisions of Chapter 212 of the laws of the twenty-ninth legislative assembly, 1945.

State budget act not applicable.

Section 2. This act shall be valid and effective despite any provisions in the state budget act to the contrary.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 11, 1947.

CHAPTER 41

An Act to Amend Section 1 of Chapter 94, Laws of the Twenty-fifth Legislative Assembly, Relating to a License Tax on All Persons, Associations, or Corporations, Owning or Operating a Telephone Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 94 Laws of 1937 amended

Section 1. That Section 1 of Chapter 94 of the Laws of the Twenty-fifth Legislative Assembly, be and the same is hereby amended to read as follows:

Tax on gross income from telephone business.

"Section 1. That on and after the first day of April, *1947*, there is hereby levied and shall be collected an annual tax of one and one-fourth per cent (1¼%) of the gross income, *in excess of Two Hundred Fifty Dollars ($250.00) quarterly,* derived from any telephone business within this state including the transmission of telephone messages in this state, over telephone lines in this state owned by any person, association or corporation; provided, however, that no bill, statement or account rendered or given any cus-

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tomer shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this Act. Such annual license tax shall be paid in quarterly installments for the quarters ending respectively March 31, June 30, September 30, and December 31, in each year."

Approved February 11, 1947.

CHAPTER 42

An Act to Amend Section 5 of Chapter 58, Laws of the Twenty-sixth Legislative Assembly, Relating to the Distribution of Sums in Lieu of Taxes Received by the State from the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5 of Chapter 58 of the Laws of the Twenty-sixth Legislative Assembly, be, and the same is hereby amended to read as follows:

Sec. 5, Ch. 58, Laws of 1939, amended.

"Section 5. All payments of sums in lieu of taxes received by this state shall be deposited in *funds according to the state levies.*"

Disposition of sums in lieu of taxes.

Approved February 11, 1947.

CHAPTER 43

An Act to Provide for the Printing, Binding and Distribution of the Revised Codes of Montana of 1947; Defining the Powers and Duties of the Code Commissioner, Advisory Board, Justices of the Supreme Court, State Board of Examiners and State Purchasing Agent in Relation Thereto and Making an Appropriation of Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As soon as the code commissioner and advisory board created by Chapter 184, Session Laws of Montana of 1945, shall have completed the codification of the Revised Codes of Montana of 1947, and the copy of

Rev. Codes of 1947, call for bids and contract for the printing and binding of.

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same is ready for the printer, the state purchasing agent shall call for bids for the printing and binding of said codes, and the state board of examiners is hereby authorized to contract for the printing, binding and delivery thereof. Said contract shall be advertised and let in the same manner provided by law for the letting of contracts for said printing.

Number of sets to be printed for state use.

Section 2. The state board of examiners shall contract for the publication of said work on the terms most expeditious and advantageous to the state. The contract shall specify that a definite number of sets of said code shall be printed and delivered to the secretary of state of the State of Montana, for the purpose of distribution as hereinafter provided. The board may exercise its discretion as to the number of sets of said code which shall be printed and delivered to the state, taking into consideration the cost and necessity for the same. Provided, however, that the contract shall not call for more than one thousand sets of said code.

Limitation.

Time allowed for completion.

Section 3. The state board of examiners shall fix the time to be allowed for the completion of the work, and the performance of said work within the time so fixed shall constitute a part of the terms of the contract.

Specifications as to number of volumes, type and paper.

Section 4. The code commissioner and advisory board hereinbefore referred to shall, after conference of approval by the justices of the supreme court, designate the number of volumes into which said code shall be divided, the style and size of type to be used, the quality of paper and binding and any other specifications necessary to insure the efficient performance of the printing contract.

Number of copies to be kept on hand by publisher.

Section 5. The contract shall require the publisher to keep on hand for sale at a reasonable price to be fixed by the state board of examiners, a sufficient number of copies of said codes to supply all demands for the same for private use in the State of Montana for a period of ten years, and also to supply all future demands of the State of Montana for the same period.

Payment to publishers.

Section 6. Whenever the secretary of state of the State of Montana shall issue his certificate that he has received all of the codes, printed and bound in accordance with said contract, the state auditor is hereby directed to draw his warrant in favor of the publishers of said code for the amount of money due under the said contract, and

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the state treasurer is hereby authorized to pay said warrant out of any moneys in his hands appropriated for said purpose by the legislature. The state board of examiners is also hereby authorized in its discretion to advance to the publishers of said work partial payments upon said contract during the progress of the work, whenever in its judgment the making of such advance is necessary and proper to promote the progress of said publication. All payments of expenses incident to the publication and distribution, not made to the publisher, shall be made as authorized and directed by the state board of examiners.

Advances.

Section 7. The publisher to whom said contract is awarded must execute to the State of Montana a good and sufficient bond to be approved by the state board of examiners in the sum of ten thousand dollars ($10,000) conditioned for the faithful performance of said contract.

Bond of publisher.

Section 8. The secretary of state, upon receipt of said published codes, shall distribute the same, or so many of them as may be necessary, in the following manner, to-wit:

Distribution of codes by Secretary of State.

To each department of the state government of Montana, one copy.

To the code commissioner and each member of the thirtieth legislative assembly, one copy upon the payment to the State of Montana by the code commissioner and by any member of the legislature receiving such copy, the actual cost price thereof to the state.

To the state law library, two copies.

To the library of congress, two copies.

To the state historical and miscellaneous library, one copy.

To the state law librarian, for the purpose of exchanges with libraries, universities, and other institutions, such number of copies, not to exceed one hundred (100) as may be required by him.

To each of the component institutions of the university of Montana, one copy.

To each of the United States district judges for the district of Montana, and to each of the judges of the supreme and district courts of Montana, one copy.

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To the county clerk of each county, three copies for the use of the various county officials.

To each county attorney, and to each clerk of the district court, one copy.

Further distribution by Secretary of State.

The secretary of state may further distribute the Revised Codes of Montana, of 1947, at his discretion, to other departments of government not herein enumerated when the same are deemed absolutely necessary, and may exchange new sets for worn out sets when the latter are returned to his office. *The copies of said codes distributed under the provisions of this section, shall remain the property of the state or county office or department to which they are delivered; provided however that copies of the code purchased by the code commissioner or by any member of the thirtieth legislative assembly of Montana shall become the personal property of the person or persons paying the cost thereof to the state.*

Appropriation.

Section 9. The sum of forty thousand dollars ($40,000) or so much thereof as may be necessary is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to pay for the printing, binding and delivery of the codes and other expenses necessary to carry out the provisions of this Act.

Budget act not applicable.

Section 10. The appropriation herein provided for shall be deemed valid notwithstanding any provisions of the state budget act, and only a majority vote of the members of both houses of the legislative assembly shall be necessary for the passage of this act.

Effective date.

Section 11. This act shall be effective upon its passage and approval.

Approved February 13, 1947.

CHAPTER 44

An Act Amending Section 7088 and Repealing Sections 7089, 7090 and 7091, Revised Codes of Montana, 1935, Relating to Succession to Property by Aliens and Regulating the Manner and Conditions of Such Succession and the Disposal of Property Subject Thereto, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7088, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 7088 R. C. M., amended.

"Section 7088. **Aliens May Inherit When and How.** Resident aliens may take in all cases by succession as citizens, and no person capable of succeeding under the *laws of Montana governing the succession to property is precluded from* such succession by reason of the alienage of any relative. Aliens may inherit, when and how.

"No non-resident alien shall take money or property by succession except when the provisions of Chapter 104, Session Laws of Montana of 1939, permit such inheritance by persons residing in a foreign country having reciprocal laws. Non-resident aliens.

"Any non-resident alien entitled to claim succession under the provisions of said act, must appear and claim the same within two (2) years after the date on which said property shall have come into the possession of the state treasurer of Montana, saving, however, to infants and persons of unsound mind the right to claim such property within two (2) years after their respective disabilities cease. Claim, time limitation for making.

"All claims authorized by this section shall be asserted in the manner provided by Chapter 184, Session Laws of Montana of 1943, the Escheated Property Act of Montana, and all the provisions of said act, and amendments thereof, not inconsistent with the provisions of this section are hereby made applicable to the prosecution of claims for succession to property by aliens." Manner of asserting claims.

Section 2. Sections 7089, 7090 and 7091, Revised Codes of Montana, 1935, and all other acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall take effect upon its passage and approval. Effective date.

Approved February 13, 1947.

CHAPTER 45

An Act to Repeal Chapter 157 of the Laws of the Twenty-ninth Legislative Assembly, 1945, the Same Being an

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Act Entitled, "An Act to Provide for the Assessment, Levy and Collection of Taxes on All Personal Property Brought, Driven or Coming Into This State After the Regular Annual Assessment Date of Such Property; Providing the Procedure Therefor; Requiring Owners or Agents to Give Notice of Intention to Drive or Bring Livestock Into This State or to Move Such Property From One County to Another and Providing for the Division and Proration of Taxes in Certain Instances," and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 157 Laws of 1945 repealed.

Section 1. That Chapter 157 of the session laws of the twenty-ninth legislative assembly of the State of Montana, 1945, shall be and the same is hereby repealed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage by the legislative assembly, and its approval by the governor.

Approved February 13, 1947.

CHAPTER 46

An Act to Amend Section 5022 of the Revised Codes of Montana, 1935, as Amended by Chapter 69 of the Session Laws of 1939, Relating to the Salaries of City Treasurers, and Raising the Limits.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5022 R. C. M., as amended, further amended.

Section 1. That Section 5022, Revised Codes of Montana, 1935, as amended by Chapter 69 of the Session Laws of 1939, be, and the same is hereby amended to read as follows:

Salary of city treasurer.

"5022. **Salary of *City* Treasurer.** The annual salary and compensation of the treasurer must be fixed by ordinance, and must be for all services rendered by such treasurer in any capacity, (except, however, in cases where a city of the third class or a town owns and operates a public

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utility or utilities and receives revenue therefrom as hereafter in this section provided) and no treasurer must be allowed any percentages or fees in addition thereto. In cities of the first class, the annual salary of the treasurer must not exceed *Three Thousand Six Hundred ($3,600.00) Dollars,* in cities of the second class must not exceed *Two Thousand Four Hundred ($2,400.00) Dollars,* and in cities of the third class it must not exceed *Nine Hundred ($900.00) Dollars,* and in towns it must not exceed *Six Hundred ($600.00) Dollars;* provided, however, that where a city of the third class, or a town, shall own and operate a public utility or utilities such as water supply, water works, gas, lighting system, or utilities similar to the foregoing, and receives the revenue derived therefrom, then the treasurer of such city, or town, may be paid additional salary or compensation to be fixed by ordinance and the duties of the treasurer with reference to the collection and safe-keeping of the revenues derived from such public utilities shall likewise be fixed by ordinance and the amount of such additional salary or compensation shall be in accordance with the additional duties and responsibilities placed upon the treasurer by reason of such public utility or utilities and shall be in such amount as the council may determine."

Cities of first, second, and third classes.

In towns.

Proviso, for additional salary, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 13, 1947.

CHAPTER 47

An Act to Amend Section 4874 of the Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 87, Session Laws of 1943, as Amended by Chapter 151, Session Laws of 1945, Relating to the Number and Salaries of Deputy and Assistant County Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4874, Revised Codes of Montana, 1935, as amended by Section 1, of Chapter 87, Session Laws, 1943, as amended by Chapter 151, Session Laws

Sec. 4874 R. C. M., as amended, further amended.

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of 1945, be and the same is hereby amended to read as follows:

"Section 4874. That the boards of county commissioners in the several counties in the state shall have the power to fix the compensation allowed any deputy or assistant mentioned in the preceding section; provided, the salary of no deputy or assistant shall be more than *ninety per cent (90%)* of the salary of the officer under whom such deputy or assistant is serving; where any deputy or assistant is employed for a period of less than one year the compensation of such deputy or assistant shall be for the time so employed; provided, the rate of such compensation shall not be in excess of the rates now provided by law for similar deputies and assistants; said boards of county commissioners shall likewise have the power to fix and determine the number of deputy county officers and allow to the several county officers a greater or less number of deputies or assistants, than the maximum number allowed by law, when in the judgment of the board of county commissioners such greater or less number of deputies is or is not needed for the faithful and prompt discharge of the duties of any county office *provided that after this act becomes effective the maximum salary rate per month of any deputy or assistant should not be less than the maximum salary allowed in any month of the year immediately previous to the date this act becomes effective.*"

Salary of deputy or assistant county officers.

Rate applicable to such as are employed for less than one year.

Number of deputy county officers.

Salaries after effective date of Act.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1947.

CHAPTER 48

An Act to Amend Sections 4613.1 and 4613.3 of the Revised Codes of Montana, 1935, Relating to the Time for Filing Estimates by County Officers of Revenues and Expenditures under the County Budget Law; Providing for Transmission of Copies to the State Examiner and State Board of Equalization by the County Clerk; and

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Fixing the Time When the Budget Shall Be Considered by the County Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4613.1 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 4613.1 R. C. M., amended.

"Section 4613.1. On or before the first day of *June* of each year the county clerk and recorder of each county shall notify in writing each county official, elective or appointive, in charge of an office, department, service or institution of the county to file with such county clerk and recorder, on or before the tenth day of *June* following, detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service or institution for the *next succeeding* fiscal year. The county commissioners shall submit to the county clerk and recorder the estimate of expenditures for all purposes for such board, and a detailed statement showing all new road and bridge construction to be financed from county road and bridge funds, any special road *or bridge funds*, and from any special highway fund, and from bond issues theretofore issued or authorized, if any, for the *next succeeding* fiscal year, together with the cost thereof as computed by the county surveyor, or if for construction in charge of a special engineer then by such engineer, and it shall be the duty of the county surveyor and any such special engineer to prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing road and bridge maintenance expenditures as nearly as can be estimated.

Notice to county officials by county clerk.

Estimates to be furnished by county officials.

County commissioners to furnish estimate and statement.

Duty of county surveyor.

"The county commissioners shall also submit to the county clerk and recorder detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bond issues not yet authorized and from the proceeds of tax levies which are required to be submitted to and approved at an election to be thereafter held.

Estimates of expenditures for construction and improvement.

"The estimates required in this section shall be submitted on forms provided by the county clerk and recorder, and prescribed by the state examiner, and may only be varied or departed from with permission and approval of

Forms for estimates.

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said officer. The county treasurer shall prepare the estimates for interest and debt reduction. The county clerk and recorder shall prepare all other estimates the preparation of which properly falls within the duties of his office.

"It shall be the duty of each of said officials to file such estimates within the time and in the manner provided in said form and notice, and the county clerk shall deduct and withhold, as a penalty, from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars ($10.00) for each day of delay; provided, however, that the total penalty against any one official shall not exceed fifty dollars ($50.00) in any one year; and provided further, that in the absence or disability of any such official the duties required herein shall devolve upon the official or employee in charge of such office, department, service or institution for the time being. The said notice shall contain a copy of this penalty clause."

Penalty for failing or refusing to file estimates.

Sec. 4613.3 R. C. M., amended.

Section 2. That Section 4613.3 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 4613.3. The said tabulation shall be submitted to the county commissioners by the county clerk and recorder on or before the *first Monday of July*. Upon receipt thereof the board of county commissioners shall immediately consider the same in detail, and shall on or before the *second Monday* of July make any revisions, reductions, additions or changes therein that they deem advisable, and such tabulation, with such revisions, reductions, additions or changes as have been made therein, as herein provided, shall constitute the preliminary budget for the fiscal year which it is intended to cover. *Upon the completion of such budget, it shall be the duty of the county clerk to forthwith transmit one copy of such preliminary budget to the state examiner and one copy to the state board of equalization.* The board of county commissioners shall then cause a notice to be published stating that said board has completed their preliminary county budget for the current fiscal year, and that said budget shall be placed on file and is open to inspection in the office of the county clerk and recorder, and that said board will meet on the Wednesday immediately preceding the second Monday in August thereafter, for the purpose of

Preliminary budget.

Copies to State Examiner and State Board of Equalization.

Notice of time for fixing final budget.

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fixing the final budget and making appropriations, designating the time and place when and where such meeting shall be held, and that any taxpayer may appear thereat and may be heard for or against any part of said budget. Said notice shall be published at least one time in the official newspaper of the county, or if there be none, then in a newspaper of general circulation in the county."

Publication of notice.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 13, 1947.

CHAPTER 49

An Act to Amend Section 2303.7 of the Revised Codes of Montana, 1935, Relating to Reviver of Corporation After Suspension or Forfeiture.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2303.7 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2303.7 R. C. M., amended.

"Section 2303.7. **Reviver of Corporation After Suspension or Forfeiture.** Any corporation which has suffered the suspension or forfeiture referred to in the preceding section may be relieved therefrom upon making application therefor in writing *supported by a certificate from the state board of equalization showing that the required return has been made and filed and/or that* the tax and interest and penalties *have been paid, for* which the suspension or forfeiture occurred. Application for reviver may be made by any stockholder or creditor of the corporation or by a majority of the surviving trustees or directors, and the same shall be filed with the secretary of state. In case the application is made in any taxable year other than the taxable year in which the suspension or forfeiture occurred the applicant shall pay twice the amount of the tax and penalties due the state for the taxable year in which the suspension or forfeiture occurred.

Reviver of corporation after suspension or forfeiture.

Application for.

Payment, amount required.

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Certificate by Secretary of State.

and upon such payment the secretary of state shall issue a certificate of reviver and thereupon the applicant shall be revived. The reviver shall be without prejudice to any action, defense or right which has accrued by reason of the original suspension or forfeiture. The certificate of reviver shall be prima facie evidence of the reviver. Any certificate of reviver provided for in this section may be recorded in the office of the county recorder in any county of this state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1947.

CHAPTER 50

An Act Relating to the Codification and General Revision of the Laws of Montana; Providing for the Merger and Consolidation of the Four Separate Codes of Law of Montana Now Contained in the Revised Codes of Montana of 1935, and All Acts Supplemental Thereto or Amendatory Thereof, Into a Single Unified Body of Law to Be Known as the "Revised Codes of Montana, 1947"; Declaring the Effect of Said Merger; Defining the Scope, Meaning and Effect of Certain Words When Used in Said Codes; Repealing the Following Sections of the Revised Codes of Montana of 1935, To-wit: Sections 1, 2, 41, 49, 112, 114, 115, 161, 173.2 to 173.20 Inclusive, 208, 348, 349, 364, 365, 409, 1010.2, 1019.11, 1206, 1464, 1582, 1603, 1996.1, 2000.7, 2096.1, 2096.2, 2736.1, 2736.2, 2736.3, 2736.4, 3252, 3847, 4444.3, 4482.1, 4482.2, 4482.3, 4482.4, 4866, 4881, 4882, 4883, 4950, 5138, 5237, 5669, 5677, 6110, 6637, 6662, 7978, 8261.1, 8494, 8737, 8773, 8774, 8775, 8777, 8778, 8779, 8783, 9907, 10400.14, 10702, 10704, 10705, 10706, 10708, 10709, 10807, 11245, 11246, 11247, 11566.1, 11566.2, 12275 to 12301 Inclusive, 12418, 12419, 12420, 12421, 12422, 12423, 12424, 12425, 12426, 12427; and Repealing All Acts and Parts of Acts in Conflict Herewith and Fixing the Effective Date of This Act.

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Be it enacted by the Legislative Assembly of the State of Montana:

R. C. M. 1947, to be single, and unified body of law—separate codes to be eliminated.

Section 1. On and after the date when the Revised Codes of Montana, 1947, are compiled and certified by the code commissioner and advisory board as required by Section 3 of Chapter 184, session laws of Montana of 1945, the four separate codes of law of the State of Montana now designated in the Revised Codes of Montana of 1935 as the "political code", "civil code", "code of civil procedure" and "penal code" and all acts amendatory thereof or supplemental thereto, shall no longer comprise separate and distinct codes of law, nor shall they be cited or designated as such, but the same shall constitute a single unified and continuous body of law to be known and cited as the "Revised Codes of Montana, 1947", or by the abbreviation "R. C. M. 1947" and by the titles and section numbers into which said code shall be arranged by the code commissioner and advisory board.

Existing rights, obligations and duties not affected.

Section 2. The merger and consolidation of said four codes into one, as provided in this act, shall in no manner change, diminish or affect any right, obligation or duty existing at the time said merger and consolidation becomes effective.

R. C. M. 1935 effective until certification of R. C. M. 1947.

The Revised Codes of Montana of 1935 and all acts amendatory thereof and supplemental thereto, shall continue in full force and effect until the Revised Codes of Montana, 1947, are compiled and certified as provided by this act or by any subsequent act of the legislative assembly.

"Code", "codes", meaning of.

Section 3. When used in any statute or law of Montana which has been or may hereafter be transferred and incorporated into the "Revised Codes of Montana, 1947", the word or words "code", "codes", "this code", "the code", or "the codes" shall be deemed and construed to have reference to the entire body of law of Montana, both civil and criminal, save only in those instances where it appears from their context and history, that said word or words were originally intended to have reference only to the penal code of Montana as enacted in 1895, or to acts amendatory thereof or supplementary thereto, in which case said word or words shall be construed accordingly.

Repealing clause.

Section 4. The following sections of the Revised Codes of Montana of 1935, are hereby repealed: 1, 2, 41, 49, 112, 114, 115, 161, 173.2 to 173.20 inclusive, 208, 348, 349, 364,

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365, 409, 1010.2, 1019.11, 1206, 1464, 1582, 1603, 1996.1, 2000.7, 2096.1, 2096.2, 2736.1, 2736.2, 2736.3, 2736.4, 3252, 3847, 4444.3, 4482.1, 4482.2, 4482.3, 4482.4, 4866, 4881, 4882, 4883, 4950, 5138, 5237, 5669, 5677, 6110, 6637, 6662, 7978, 8261.1, 8494, 8737, 8773, 8774, 8775, 8777, 8778, 8779, 8783, 9907, 10400.14, 10702, 10704, 10705, 10706, 10708, 10709, 10807, 11245, 11246, 11247, 11566.1, 11566.2, 12275 to 12301 inclusive, 12418, 12419, 12420, 12421, 12422, 12423, 12424, 12425, 12426, 12427.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. The provisions of Section 4 hereof shall take effect on the passage and approval of this act. All other provisions of this act shall become effective on the date when the Revised Codes of Montana, 1947, are compiled and certified as required by Section 3, Chapter 184, session laws of Montana of 1945, or by later acts, if any, of the legislative assembly.

Approved February 13, 1947.

CHAPTER 51

An Act to Amend Section 5859 R. C. M. 1935, as Amended by Chapter 115 of the Session Laws of Montana of 1941, Relating to the Consent of Children's Parents in Adoption Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5859 R. C. M., as amended, further amended.

Section 1. That Section 5859 R. C. M. 1935, as amended by Chapter 115, Session Laws of Montana of 1941, be, and the same is hereby amended to read as follows:

Consent of child's parents.

"Section 5859. **Consent of Child's Parents.** A legitimate *minor* child cannot be adopted without the consent of its parents, if living, nor an illegitimate *minor* child without the consent of its mother, if living; except that consent is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or of cruelty, and for either cause divorced, or adjudged to be an habitual drunkard, or who has been judicially deprived of the custody of the child on account of cruelty or neglect, or who

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has, in this or any other state, wilfully abandoned a child, or caused the same to be maintained by any public orphans' asylum, home or agency, for one (1) year without contributing to the support of said child; neither is the consent of anyone necessary in the case of an abandoned child; provided, however, that when any such child, being a half-orphan, and kept and maintained within any orphans' home, asylum or agency in this state for one (1) year or over, may be adopted with the consent of a majority of the board of trustees of said orphans' home, asylum or agency, without the consent of the parent, unless such parent has paid toward the expenses of the maintenance of such half-orphan at least sixty (60%) per cent of the legitimate cost of keeping and maintaining said child during the said time, if able to do so; and where the parent is a non-resident of this state, said child may be adopted with the consent of a majority of the board of trustees of such home, asylum or agency, whenever it has been left by its parents in such home or asylum for more than one (1) year, whether the parent has contributed to its support or not, and the consent of the parent of such half-orphan is not necessary to its adoption, whenever a majority of the board of trustees are authorized to give such consent as in this chapter provided, which consent shall be given in the same manner that parents are authorized by law to consent to adoption of their children. *Whenever the adoption of a child, whether legitimate or illegitimate, is sought in any petition for adoption, and the case is one in which the consent of the parent is not required, the court may, upon the filing of such petition, cause service of process to be made on the parent or parents of the child in the following manner. The court shall order a citation to issue to the parent or parents, in the name of the State of Montana and under the seal of the court, directing such parent or parents to appear in court at a time to be fixed by the court, and show cause why said petition should not be granted; except no citation shall be required in any case where the parent or parents have been deprived of the custody of their child or children by the judgment of a court of competent jurisdiction in a proceeding to have such child or children declared neglected or dependent children under the provisions of Section 10465 to 10479.1, inclusive, of the Revised Codes of Montana, 1935.* Such citation together with a copy of the petition for adoption shall be

Abandoned child.

A half-orphan maintained in orphans' home.

Adoption, when consent of parent, not required, procedure for.

Citation to parent to show cause.

Service of.

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personally served upon such parent or parents. If *however,* any such parent or parents cannot be found within this state service may be had by publication of a copy of said citation in the manner provided for the publication of summons by Section 9118 R. C. M. 1935. If after *completion of* such service, *any parent so served* does not appear, the court may act upon the petition, and the order of the court *thereon* shall be binding upon all persons so served; provided that any such person shall have the right to appeal from the order in the manner and form provided for appeals from a judgment in civil actions."

Right of appeal.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 14, 1947.

CHAPTER 52

An Act Authorizing Any Lessee of a Grazing or Agricultural Lease of State Lands to Pledge Said Lease or Mortgage His Lease-Hold Interest in Said Lands; and Providing for Filing Such Pledge Agreement or Mortgage, or a Certified Copy Thereof in the Office of the State Board of Land Commissioners and Prescribing a Fee Therefor; and Providing for the Transfer of Such Lease to the Person Acquiring Same Under or Pursuant to Such Pledge Agreement or Mortgage, and Providing That This Act Shall Apply to Such Mortgages and Pledge Agreements as Are Now in Existence, and That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Pledge or mortgage of grazing or agricultural lease or lease-hold.

Section 1. Any lessee of a grazing or agricultural lease of state lands is hereby authorized to pledge said lease or mortgage his lease-hold interest in said lands.

Lease or pledge to be filed.

Section 2. The pledgee of such lease or the mortgagee of such lease-hold interest shall, within thirty (30) days after receipt of said pledge agreement or mortgage, file the same, or a certified copy thereof, in the office of the state board of land commissioners, and shall pay to said board a fee of one dollar ($1.00) for the filing thereof.

Fee.

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Section 3. Upon due proof of the acquisition of such lease or lease-hold interest by any person under or pursuant to such pledge agreement or mortgage, the state board of land commissioners shall transfer said lease to said person, who shall thereupon be subject to all the conditions, obligations and liabilities and entitled to all the rights and privileges provided for in said lease.

Transfer of lease or lease-hold by State Board of Land Commissioners.

Section 4. The lessee of any grazing or agricultural lease of or lease-hold interest in state lands which has been pledged or mortgaged as herein provided shall, within thirty (30) days after payment of the indebtedness secured thereby, or within thirty (30) days after the pledge agreement has been terminated or the lease-hold interest has been released from the mortgage, file with the state board of land commissioners due proof of said fact and pay to said board a fee of one dollar ($1.00) for said filing.

Filing proof of termination of pledge or release of lease-hold.

Fee.

Section 5. The provisions of this act shall apply to all pledges of grazing and agricultural leases of state lands and mortgages of lease-hold interests in said lands which are now in existence.

Application of act.

Section 6. If any section, clause, paragraph or provision of this act shall be found invalid by court of competent jurisdiction, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section, paragraph or clause and the act as a whole shall not be declared invalid by reason of the fact that one or more sections, clauses, sentences, paragraphs or parts may have been found invalid by any court.

Severability of act.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed; provided, however, that Section 1805.71 of the Revised Codes of Montana of 1935, is hereby declared not to be in conflict with this act.

Repealing clause.

Exception.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 14, 1947.

CHAPTER 53

An Act Relating to the Conditional Sale, Leasing and Mortgaging of Equipment and Rolling Stock of Rail-

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roads, Amending Sections 6535 and 6539 of the Revised Codes of Montana, 1935, and Repealing Sections 6533, 6534 and 6536 of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6535 R. C. M., amended.

Section 1. That Section 6535 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Recordation of mortgage of equipment of railroad company.

"Section 6535. Any mortgage of personal property which constitutes the equipment, or part of the equipment, of any railroad company, may be recorded *and satisfied as provided in Sections 6537 and 6538 of this code,* and if the same is bona fide, the lien thereby created shall be good for all intents and purposes whatever, for such length of time as therein provided and if no other time is provided in such mortgage, then the lien thereby created shall be good for all intents and purposes whatever for eight (8) years after maturity of the entire debt or obligation secured thereby."

Duration of lien.

Sec. 6539 R. C. M., amended.

Section 2. That Section 6539 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Application of act.

"Section 6539. This act shall not be held to invalidate or affect in any way any contract *or mortgage* heretofore made of the kind referred to in Sections *6535 and* 6537 of this code, and any such contract *or mortgage* heretofore made, may, upon compliance with the provisions of this act, be recorded as herein provided."

Repealing clause.

Section 3. Sections 6533, 6534 and 6536 of the Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1947.

CHAPTER 54

An Act to Amend Section 10213 of the Revised Codes of Montana of 1935, Relating to the Service and Publication of Order to Show Cause on Sale of Real Property

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in Probate Proceedings and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10213 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 10213 R. C. M., amended.

"Section 10213. **Service and Publication of Order.** A copy of the order to show cause must be personally served on the heirs of the decedent, and any legatee or devisee, and any general guardian of a minor heir, legatee or devisee, providing they are residents of the county and can be found therein. If any such persons are not residents of the county, or if resident and cannot be found therein, the clerk of the court must forthwith deposit a copy of the order in the post office, registered, postage prepaid, directed to the person to be served, at his place of residence, such service to be at least ten (10) days before the time appointed for hearing the petition. In lieu of such personal service or service by mail such order may be published once a week for two (2) consecutive weeks in such newspaper in the county as the court or judge may direct. If all *known heirs, legatees or devisees* join in the petition for the sale or signify in writing their assent thereto, the notice may be dispensed with and the hearing may be had at any time." Service and publication of order to show cause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 14, 1947.

CHAPTER 55

An Act to Amend Section 5263 of the Revides Codes of Montana, 1935, Relating to the Redemption and Rate of Interest of Special Improvement Lighting District Bonds and Warrants of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5263 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 5263 R. C. M., amended.

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"5263. **Bonds and Warrants—Interest—Redemption.** All cost and expenses incurred in the construction of the improvement specified in this Act shall be paid for by special improvement lighting district bonds or warrants, in such form as may be prescribed by ordinance drawn against a fund to be known as 'Special Improvement Lighting District No. ..... Fund'. Said warrants or bonds shall be in the denomination of one hundred dollars or fractions or multiples thereof; and may be issued in installments. Such warrants or bonds shall be redeemed by the treasurer when there is money in the fund against which said warrants or bonds are issued available therefor, and may extend over a period not to exceed eight years, and shall bear interest at *a* rate . . . *not exceeding* six per cent (6%) per annum from the date of registration thereof, until called for redemption or paid in full, interest to be payable annually on the first day of January of each year as expressed by the interest coupon attached thereto, which may bear the engraved facsimile signature of the mayor and city clerk. *The requirements of this section shall apply to all special improvement lighting districts, including those now in the process of formation or to be formed hereafter.*"

Bonds and warrants.

Interest.

Coupon.

Application of this section.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 14, 1947.

CHAPTER 56

An Act to Amend Section 4465.8, Revised Codes of Montana, 1935, Relating to the Erection of County Buildings and Providing That the County Hospital May Be Used for the Care of the Indigent Sick, *and When Same May Be Used for Hospitalization of Non-Indigent Sick, and Providing for Furnishing and Equipping of Buildings Now Owned, or Which May Hereafter Be Acquired, by a County and Suitable for County Hospital Purposes.*

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465.8, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 4465.8 R. C. M., amended.

"Section 4465.8. **Erection of County Buildings.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To cause to be erected and furnished a courthouse, jail, hospital, and such other public buildings as may be necessary. *A county hospital so erected and furnished, may be used for the hospitalization of the indigent sick of the county. Any county hospital which has heretofore, or which shall hereafter be, erected and furnished under the provisions of this Act, and which has been or may be leased, as provided by Section 4465.29 of the Revised Codes of Montana of 1935, may also be used for the hospitalization of the non-indigent sick, providing, said non-indigent sick pay a reasonable fee for such hospitalization and providing there are no indigent sick needing hospitalization who would be deprived of said hospitalization by reason of the use of said hospital facilities by non-indigents. The board of county commissioners of any county of this state which now has, or may hereafter acquire, title to a site and building, or buildings, suitable for county hospital purposes, shall have jurisdiction and power under such limitations and restrictions as are prescribed by law to furnish and equip such building, or buildings, for hospital purposes in accordance with and as provided by the provisions of this act.*"

Erection of county buildings.

County hospital.

Use for non-indigent sick.

Power to furnish and equip.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 15, 1947.

CHAPTER 57

An Act to Amend Section 3729.2 of the Revised Codes of Montana, 1935, as Amended by Chapter 152, Laws of 1943, Relating to the Power of the Fish and Game Commission to Dispose of Antelope When Damaging Property Because of the Increase in Their Numbers.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3729.2 R. C. M., as amended, further amended.

Section 1. That Section 3729.2 of the Revised Codes of Montana, 1935, as amended by Chapter 152, Laws of 1943, be, and the same is hereby amended to read as follows:

"Section 3729.2. **Power of Commission to Dispose of Antelope Increasing in Number and Damaging Property.** Whenever antelope within the State of Montana have increased in number to such extent that, in the judgment of the state fish and game commission, their number should be reduced, or special or private property is being actually and materially damaged or destroyed, by said antelope, and written complaint of such damage has been filed with the state fish and game commission by the owners of such property, the said commission shall have the power and authority whenever, in its opinion, conditions warrant to take, kill, remove or dispose of such animals under such rules and regulations and conditions as it may prescribe and promulgate; providing that the fish and game commission may open the season on such antelope and may issue special licenses in a limited number depending upon the number of antelope to be killed and in determining to whom these licenses shall be issued the commission shall, when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. *Each application shall be accompanied by a fee of five dollars ($5.00), which fee shall be refunded to the applicant in the event such applicant is not awarded a special license or permit.* Special licenses as herein authorized may be issued only to those holding big game licenses and be limited to only one antelope, the sex of which shall be designated on such special license or permit."

Power of commission to dispose of antelope, under what conditions.

Issuance of special hunting licenses.

Fee.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1947.

CHAPTER 58

An Act to Amend Section 7012 of the Revised Codes of Montana of 1935, Relating to the Lineal Descendants Who Shall Take Estate Upon Death of the Devisee or Legatee Before the Death of the Testator.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 7012 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 7012 R. C. M., amended.

"Section 7012. **Lineal Descendants Take Estate Upon Death of Devisee or Legatee Before Testator.** When any estate is devised *or bequeathed* to any child, or other relation of the testator, and the devisee *or legatee* dies before the testator, leaving lineal descendants, such descendants take the estate so given by the will, in the same manner as the devisee *or legatee* would have done had he survived the testator."

Lineal descendants take estate upon death of devisee or legatee before testator.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 15, 1947.

CHAPTER 59

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Erecting and Furnishing a Separate Office Building as an Adjunct to the State Capitol Building, Purchasing Lands Near the Present Capitol Building, for Employing Architects and Engineers, and for Remodelling and Making Alterations in Offices in the Present Capitol Building; Supplementing Funds Ma'e Available for Such Purpose Under House Bill No. 3 of the Thirtieth Legislative Assembly, 1947; Designating the Funds From Which Said Bonds Shall Be Paid; Providing for a Capitol Office Building Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of erecting and furnishing a separate office building as an adjunct to the state capitol building at Helena, Montana, said building to be erected upon a site upon the present capitol building grounds or upon

State board of examiners authorized to issue and sell bonds for an office building.

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lands owned or hereafter acquired by the state as a part of said site. The bonds hereby authorized to be issued and sold are authorized to supplement funds made available for such purpose under House Bill Number Three (House Bill No. 3) of the thirtieth legislative assembly, 1947, and for the purpose of purchasing lands near the present capitol building, for employing architects and engineers and for remodelling and making alterations in offices of the present capitol building.

Plans and specifications

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to proceed with the erection of a building of suitable construction and design for use as an office building, in accordance with the plans and specifications heretofore partially prepared in accordance with Chapter 2 of the laws of the twenty-ninth legislative assembly, 1945.

Bids for construction.

Performance bond by contractor.

Section 3. The state board of examiners shall call for bids for the construction of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractor to give bond to the State of Montana in such amount as the board may determine, conditioned for the faithful performance of his duties and contracts.

Amount of bonds.

Section 4. The aggregate amount of bonds authorized by this act to supplement funds made available for the purpose herein expressed under House Bill Number Three (House Bill No. 3) of the thirtieth legislative assembly, 1947, shall not exceed the sum of four hundred and fifty thousand dollars ($450,000.00).

Interest rate.

Details regarding bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four percent (4%) per annum, payable semi-annually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable three (3) years after the date of issue and on any interest payment date thereafter, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and

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the secertary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Sale of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Payment of bonds, provisions for.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to Chapter 204 of the laws of the twenty-ninth legislative assembly, 1945, shall be and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said Chapter 204 of the laws of the twenty-ninth legislative assembly, 1945, shall likewise be and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act and to cover and pay the cost of erecting and furnishing of said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in or that may be accrued to said capitol building land grant in order to make available for such erection and furnishing of said building a total of four hundred and fifty thousand dollars ($450,000.00).

Limitation of amount to be made available.

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Special fund created.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the capitol office building interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the erection and furnishing of said building.

Budget act not applicable.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Separability of act.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective date.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

CHAPTER 60

An Act to Amend Section 7073, Revised Codes of Montana, 1935, as Amended by Section 1 of Chapter 140 of the Session Laws of Montana of 1941, Relating to Succession to the Property of a Decedent.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 7073 R. C. M., as amended, further amended.

Section 1. That Section 7073, Revised Codes of Montana, 1935, as amended by Section 1 of Chapter 140 of the Session Laws of Montana of 1941, be, and the same is hereby amended to read as follows:

Succession to and distribution of estates.

"Section 7073. **Succession to and Distribution of** *Estates.* When any person having title to any estate not limited by marriage contract dies without disposing of the estate by will, it is succeeded to and must be distributed, unless otherwise expressly provided *by the laws of Montana*, subject to the payment of his debts, in the following manner:

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1. If the decedent leaves a surviving husband or wife, and only one (1) child, or the lawful issue of one (1) child, in equal shares to the surviving husband, or wife and child, or issue of such child. If the decedent leaves a surviving husband or wife, and more than one (1) child living, or one (1) child living, and the lawful issue of one (1) or more deceased children, one-third (1/3) to the surviving husband or wife, and the remainder in equal shares to his children, and to the lawful issue of any deceased child, by right of representation; but if there be no child of the decedent living at his death, the remainder goes to all his lineal descendants; and if all the descendants are in the same degree of kindred to the decedent, they share equally, otherwise they take according to the right of representation. If the decedent leaves no surviving husband or wife, but leaves issue, the whole estate goes to such issue; and if such issue consists of more than one (1) child living, or one (1) child living, and the lawful issue of one (1) or more deceased children, then the estate goes in equal shares to the children living, or to the child living, and the issue of the deceased child or children by right of representation.

If decedent leaves no issue.

2. If the decedent leaves no issue, the *whole of the estate shall go* to the surviving husband or wife. If the decedent leaves no issue, nor husband nor wife, the estate must go to the father and mother in equal shares, or if either be dead then to the other.

3. If there be neither issue, husband, wife, father, nor mother, then in equal shares to the brothers and sisters of the decedent, and to the children of any deceased brother or sister, by right of representation.

4. If the decedent leaves neither issue, husband, wife, father, mother, brother, nor sister, the estate goes to the next of kin, in equal degree, excepting that where there are two (2) or more collateral kindred, in equal degree, but claiming through different ancestors, those who claimed through the nearest ancestors must be preferred to those claiming through an ancestor more remote.

5. If the decedent leaves several children, or one (1) child, and the issue of one (1) or more children, and any such surviving child dies under age, and not having been married, all the estate that came to the deceased child by inheritance from such decedent descends in equal shares

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to the other children of the same parent, and to the issue of any such other children who are dead, by right of representation.

6. If, at the death of such child, who dies under age, not having been married, all the other children of his parents are also dead, and any of them have left issue, the estate that came to such child by inheritance from his parent descends to the issue of all other children of the same parent; and if all the issue are in the same degree of kindred to the child, they share the estate equally, otherwise they take according to the right of representation.

Escheat to state, when.

7. If the decedent leaves no husband, wife, or kindred, the estate escheats to the state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1947.

CHAPTER 61

An Act to Amend Section 5049 of the Revised Codes of the State of Montana for 1935, Providing for the Establishment By Cities and Towns of a Free Public Library and for a Tax Levy for the Maintenance of the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5049 R. C. M., amended.

Section 1. That Section 5049 of the Revised Codes of the State of Montana for 1935 be and the same is hereby amended to read as follows:

Free public library, power to establish and maintain.

"Section 5049. The council has power to establish and maintain a free public library, *and in cities and towns having a free public library not established and maintained by such city or town, may contribute to the support and maintenance thereof,* and for that purpose may provide by ordinance for a tax as follows: In a city or town having assessed valuation of seven hundred and fifty thousand dollars ($750,000.00) or more, a tax not exceeding *three* and one-half mills on the dollar on the property may be levied. In a city or town having an assessed valuation of less than seven hundred fifty thousand dollars

Rate of taxation for such purpose.

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($750,000.00), a tax not exceeding three (3) mills on the dollar on the property may be levied. The tax so levied and collected constitutes a fund known as the 'library fund', and must be expended only for the purchase of books and other things necessary for a library, and the support and maintenance thereof."

"Library fund."

Approved February 15, 1947.

CHAPTER 62

An Act to Amend Section 12541 of the Revised Codes of Montana, 1935, Relating to Release on Parole and Discharge of Girls Committed to the State Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 12541 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 12541 R. C. M., amended.

"Section 12541. The executive board, *on recommendation of the principal of the school* may release *a* girl on trial or parole, but in all cases where *a girl* is released on parole, she must, at stated intervals, report her conduct to the principal and present certificates of good behavior, whereupon her leave *or parole* may be extended, *or the executive board, by a unanimous vote, may grant her a full and unconditional discharge and order her finally released from the custody and control of such school.* It shall be the duty of the principal to recall *and return to the school* any girl who is not conducting herself properly, or who may not have a suitable home, *and for such purpose such vocational school shall have sole custody and control over any girl so paroled until she shall have reached the age of twenty-one (21) years, or until she shall be finally discharged.*"

Release of a girl on trial or parole.

Full discharge.

Custody and control of paroled girl.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after the date of its approval.

Effective date.

Approved February 15, 1947.

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CHAPTER 63

An Act to Amend Section XI of Part III of Chapter 82 of the Session Laws of 1937, as Amended By Section 1 of Chapter 178 of the Laws of 1943, Relating to the Amount of Property Exempt from Claim and to Recover from the Estate of a Decedent and to Claim for Old Age Assistance, and That No Claim Shall Be Enforced Against Real Estate in Certain Cases, and Providing Method for Distribution of Funds So Recovered.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. XI of part III, Ch. 82, laws of 1937, as amended, further amended.

Section 1. That Section XI of Part III of Chapter 82 of the Session Laws of 1937, as amended by Section 1 of Chapter 178 of the Session Laws of 1943, be amended to read as follows:

Assistance paid allowable as claim against estate of recipient.

"Section XI of Part III. Upon the death of any recipient of old age assistance his estate, to the extent of five hundred dollars ($500.00), shall be exempt from claim for old age assistance paid under this act. If, upon the death of any recipient of old age assistance he shall leave an estate of five hundred dollars ($500.00) or less, according to the inventory and appraisement filed in the matter of the estate of such person, no claim shall be allowed against the estate of such person for assistance paid under this act. If such person shall leave estate in excess of five hundred dollars ($500.00), according to the inventory and appraisement filed in the matter of the estate of such person, the state department of public welfare shall execute and present a claim against the estate of such person within the time specified in the published notice to creditors in the estate matter for the total amount of assistance paid under this act. No claim shall be enforced against any real estate of a recipient while it is occupied by the surviving spouse, or dependent, as a home.

Disposition of amount collected.

"If the federal law so requires, the federal government shall be entitled to a share of any amounts collected from recipients or their estates *in proportion to the amount which it has contributed to the grants recovered,* and the amount due the United States shall be promptly paid by the state to the United States government. The remaining *portion* of the amount collected shall be distributed to the state and county in proportion to the total amount paid by each."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 15, 1947.

CHAPTER 64

An Act to Amend Section 5159 of the Revised Codes of Montana, 1935, as Amended by Chapter 71 of the Session Laws of Montana, 1945, Relating to the Power of Cities to Create Indebtedness for Public Parks and Grounds, to Include Swimming Pools, Athletic Fields, Skating Rinks, Playgrounds, Museums, and a Golf Course.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5159 of the Revised Codes of Montana, 1935, as amended by Chapter 71 of the Session Laws of Montana, 1945, be, and the same is hereby amended to read as follows: Sec. 5159 R. C. M. as amended, further amended.

"5159. **Public Parks and Grounds,** *Civic and Youth Centers* — **Additional Indebtedness of Municipalities to Provide.** A city or town council, or commission, in addition to the power it now has under the law, has and is hereby granted and given the further power: City or town council, granted power.

"(1) To contract an indebtedness on behalf of a city or town, upon the credit thereof, by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public parks and grounds *and/or for procuring by purchase, or construction, or otherwise, swimming pools, athletic fields, skating rinks, playgrounds, museums, a golf course, a site and building for a civic center, a youth center, or combination thereof, and furnishing and equipping the same; and* To borrow money for parks, grounds, and other named public facilities.

"(2) *To purchase, build, furnish and equip the same;* provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness, must not at any time exceed three (3) per centum *of the value* of the taxable property of the city or town, as ascertained by the last assessment for state and county taxes *previous to the incurring of such indebt-* Limitation of indebtedness for such purposes.

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edness; and provided, further, that no money must be borrowed on bonds issued for the purchase of lands and improving same for *any such purpose,* until the proposition has been submitted to the vote *of those qualified under the provisions of the State Constitution to vote at such election in the* city or town affected thereby, and a majority vote cast in favor thereof."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1947.

CHAPTER 65

An Act to Amend Section 6137 of the Revised Codes of Montana, 1935, Relating to Combination of Classes Permitted Insurance Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6137 R. C. M. amended.

Section 1. That Section 6137 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 6137. *Combination of Certain Classes Permitted.* Nothing in the act shall be construed as to alter, change, modify, or repeal any existing statute, which provided or established the amount of the capital required of any or all classes of insurance corporations herein mentioned. Combinations may be permitted of the different classes herein established, under one incorporation, and provided further, that where such combinations may be formed, the minimum capital shall be equal to the amount provided by law for each of the different classes so combined."

Combination of certain classes permitted.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1947.

CHAPTER 66

An Act to Repeal Section 6165, Revised Codes of Montana, 1935, Relating to the Reinsurance of Risks Written by

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Fire Insurance Companies, and Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6165, Revised Codes of Montana, 1935, be and the same is hereby repealed. Sec. 6165 R. C. M. repealed.

Section 2. This act shall be in full force and effect upon its passage and approval. Effective date.

Approved February 15, 1947.

CHAPTER 67

An Act to Amend Section 105 R. C. M. 1935, as Amended By Section 2 of Chapter 104, Session Laws of Montana of 1945, Relating to the Printing and Distribution of Measures Submitted to the Vote of the People.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 105 R. C. M. 1935, as amended by Section 2 of Chapter 104, Session Laws of Montana of 1945, be, and the same is hereby amended to read as follows: Sec. 105 R. C. M. as amended, further amended.

"Section 105. **Printing and Distribution of Measures.** The secretary of state shall furnish a copy of each of the proposed measures to be submitted to the people and make requisition on the state purchasing agent for the printing and delivery to him of all proposed constitutional amendments, initiative and referendum measures to be submitted to a vote of the people. Printing and distribution of measures.

The state purchasing agent, shall, not later than the first Monday of the third month next before any general or special election, at which any proposed law is to be submitted to the people, cause to be printed a true copy of the title and text of each measure to be submitted, with the number and form in which the question will be printed on *the* official ballot. It shall be the duty of the state purchasing agent to call for bids and contract with the lowest responsible bidder for the printing of the proposed law to be submitted to the people. *Any measure proposed to be submitted to the people and which concerns the* Duty of state purchasing agent.

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To what voters measures are to be submitted.

creation of any state levy, debt or liability, including the issuance of state bonds or debentures other than refunding bonds or debentures, shall be submitted to the eligible voters as defined by Section 1, Chapter 28, Session Laws of Montana of 1945, upon a separate official ballot and no such measure shall be submitted on a general ballot. All other measures proposed to be submitted to the people including constitutional amendments and initiative and referendum measures which do not concern the creation of any state levy, debt or liability, may be submitted on the general ballot as provided by Section 2, Chapter 81, Session Laws of Montana of 1939.

Specifications for printing.

The proposed law to be submitted shall be printed in news type, each page to be six inches wide by nine inches long, and when such proposed measure constitutes less than six pages, it shall be printed flat and forwarded to the county clerk and recorder of each of the several counties in that form.

Further provisions as to pamphlet.

When the proposed measure constitutes more than six pages, said measure shall be printed in pamphlet form, securely stapled, without cover. No proposed measure, hereafter, to be sumbitted to the people of the state, as provided for in this section shall be bound. The quality of the paper to be used for the proposed measure shall be left to the discretion of the state purchasing agent. The number of said proposed measures to be printed shall be five per cent (5%) more than the number of registered voters, as shown by the registration lists of the several counties of the state at the last preceding general election.

Distribution.

The secretary of state shall distribute to each county clerk before the second Monday in the third month next preceding such regular general election, a sufficient number of said pamphlets to furnish one copy to every voter in his county. And each county clerk shall be required to mail to each registered voter in each of the several counties in the state at least one copy of the same within thirty (30) days from the date of his receipt of the same from the secretary of state. The mailing of said pamphlets to electors shall be a part of the official duty of the county clerk of each of the several counties, and his official compensation shall be full compensation for this additional service."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1947.

CHAPTER 68

An Act to Enable the State Board of Examiners to Continue to Employ an Architect or Architects, Engineer or Engineers, for a Period Not Exceeding Two (2) Years, to Prepare Plans and Specifications for an Office Building or Addition to the Present State Capitol Building or an Office Building and Addition to the Present State Capitol Building.

Be it enacted by the Legislative Assembly of the State of Montana:

Architect or engineer, board of examiners authorized to employ, for what purposes.

Section 1. That the state board of examiners be and the same is hereby authorized, directed and empowered to employ an architect or architects, engineer or engineers, for such period of time as it may deem proper, not exceeding two (2) years from the effective date of this act, for the purpose of continuing the preparation of plans and specifications for the contruction of an office building or of an addition to the present state capitol building at Helena, or both such office building and addition. Said architect or architects, or engineer or engineers, shall receive as compensation for such services such amount not exceeding six and one-half per centum (6½%) of total cost of said building or buildings, as said board of examiners shall determine to be reasonable and proper.

Compensation of.

Appropriation to pay for.

Section 2. There is hereby appropriated out of the unexpended surplus monies in the post war planning and reserve fund, the sum of thirty thousand ($30,000.00) dollars or such part thereof that may be necessary to pay said architect or architects, engineer or engineers, in compliance with the provisions of this act.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall take effect immediately upon its passage and approval.

Approved February 18, 1947.

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CHAPTER 69

An Act to Amend Section V of Part III and Section X of Part V of Chapter 82 of the Session Laws of 1937, Relating to the Amounts of Reimbursements By County Departments of Public Welfare for Grants for Old Age Assistance and Grants to Aid Needy Blind to the State Department of Public Welfare.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. V of part III, Ch. 82, laws of 1937 amended.

Section 1. That Section V of Part III of Chapter 82 of the Laws of 1937 be amended to read as follows:

County share of participation.

"Section V. **County Share of Participation.** Each county department shall reimburse the state department in the amount of *one-third (1/3) of the amount paid by the state department after the share contributed by the federal government is deducted* of the approved old age assistance grants to persons in the county each month, *and for only that portion of the grants to which contribution is made by the federal government.* Such reimbursements shall be credited to the old age assistance account of the state department."

Sec. X of part V, Ch. 82, laws of 1937 amended.

Section 2. That Section X of Part V of Chapter 82 of the Session Laws of 1937 be amended to read as follows:

County share of participation.

"Section X. **County Share of Participation.** Each county department shall reimburse the state department in the amount of *one-third (1/3) of the amount paid by the state department after the share contributed by the federal government is deducted* of the approved aid to blind grants to persons in the county each month, *and for only that portion of the grants to which contribution is made by the federal government.* Such reimbursements shall be credited to the aid blind account of the state department."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after the first day of the month following its passage and approval.

Approved February 18, 1947.

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CHAPTER 70

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax of Not to Exceed Four (4) Mills for County Poor Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of county commissioners authorized, under conditions of act, to make additional levy for poor fund.

Section 1. Whenever the board of county commissioners of counties coming within the provisions of this act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the appropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a certificate authorizing them so to do, issued by the State Board of Equalization as in this act provided.

Procedure.

Section 2. On or before the second Monday in July, the board of county commissioners of any county desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the state board of equalization. The state department of public welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

Section 3. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 2 hereof, examine such documents and if such board finds

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that a levy as authorized in Section 1, or any part thereof, in addition to all other poor fund revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificate to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Amount of levy to be certified by state board of examiners.

Effective date.

Section 4. This act shall be in full force and effect from the first day of July, 1947, to the 30th day of June, 1949, and not thereafter.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1947.

CHAPTER 71

An Act to Amend Section VII of Part IV of Chapter 82 of the Session Laws of 1937, as Amended By Section 18 of Chapter 129 of the Session Laws of 1939, as Amended By Chapter 191 of the Session Laws of 1945, Relating to the Amounts of Reimbursements by County Departments of Public Welfare for Grants in Aid of Dependent Children to the State Department of Public Welfare.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 191 laws of 1945 amended.

Section 1. That Section 1 of Chapter 191 of the Laws of 1945, amending Section 18 of Chapter 129 of the Laws of 1939 be amended to read as follows:

County share of participation.

"Section 18. Each county department shall reimburse the state department in the amount of *one-third (1/3) of the amount paid by the state department after the share contributed by the federal government is deducted,* of the approved aid to dependent children grants *to persons in the county each month for that part of the grants to which contribution is made* by the federal government. *Each county department shall reimburse the state department in the amount of fifty per cent (50%) of such grants which are not included within the provisions of the first sentence of this section.* These reimbursements shall be credited to the aid to dependent children account of the state department."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after the first day of the month following its passage and approval. Effective date.

Approved February 18, 1947.

CHAPTER 72

An Act to Amend Section 4208.1 Revised Codes of Montana, 1935, Relating to the Definition of Commercial Fertilizer and Exempting From the Provisions of the Commercial Fertilizer Law, Activated Sludge Which Is Heat Treated and Sterile; and to Amend Section 4208.5 Revised Codes of Montana, 1935, Relating to the Registration of Fertilizers and Providing That Each Registrant Shall File With the Commissioner of Agriculture Statements of the Amount of Each Brand of Fertilizer Sold By Him.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4208.1, Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows: Sec. 4208.1 R. C. M. amended.

"Section 4208.1. **Commercial Fertilizer Defined.** The term 'commercial fertilizer' shall be held to include any and every substance, imported, manufactured, prepared or sold for fertilizing, manurial, soil enriching or soil corrective purposes, the retail price of which is ten dollars ($10.00), or more per ton; provided, however, that this act shall not apply to any stocks that may be in the hands of dealers in the State of Montana at the time this act goes in effect, nor shall it apply to animal manure which has not been artificially treated, *to activated sludge which has been heat treated and which is sterile,* or to materials sold to each other by manufacturers or importers." Commercial fertilizer defined.

Section 2. That Section 4208.5, Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows: Sec. 4208.5 R. C. M. amended.

"Section 4208.5. **Registration and License of Fertilizers**

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—**Fee**—*Statements of Amounts of Fertilizer Sold—A Cancellation of Registration for Failure to File Statements.*

"(a) Before any commercial fertilizer is sold or offered for sale within the State of Montana, the manufacturer, importer or party who causes it to be sold or offered for sale, shall separately register with the commissioner of agriculture of the State of Montana, each and every brand and also each different mixed or unmixed commercial fertilizer which he offers for sale under the same brand, and shall pay annually to said commissioner, before offering such product for sale, a license fee of twenty-five dollars ($25.00), for each and every brand of commercial fertilizer so registered and offered for sale in this state, and shall at the same time file with said commissioner a certified copy of the statement and certificate referred to in Sections 4208.2 and 4208.3, and shall also deposit with said commissioner a sealed glass jar containing not less than two (2) pounds of such fertilizer, with an affivadit that it is a fair sample of the article thus to be sold, or offered for sale. The said commissioner of agriculture may refuse to register materials whose value in improving soil conditions cannot be established by experimental evidence."

Registration and license of fertilizers.

Fee.

Sample to be submitted to commissioner.

Registration may be refused, when.

(b) *It is required of each registrant who causes fertilizer to be sold or offered for sale under this act that he furnish the commissioner of agriculture with a written statement of the amount of each brand of fertilizer sold by him in the state. Said statement shall include all sales for the periods of January first to and including June thirtieth and of July first to and including December thirty-first of each year. The commissioner may, in his discretion, cancel the registration of any person or firm failing to comply with this Section if the above statement is not made within thirty (30) days from date of notification. The commissioner, however, in his discretion, may grant a reasonable extension of time.*

Statement of amount of fertilizer sold by registrant.

Cancellation of registration for failure to file statement.

Approved February 18, 1947.

CHAPTER 73

An Act to Amend Sections 3847.26 and 3847.27 of the Revised Codes of Montana, 1935, Relating to Fees and Charges to Be Made By the Board of Railroad Commis-

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sioners and the Public Service Commission of Montana; and Reports to Be Made By Certified Motor Carriers, and the Fees to Be Paid By Them in Connection With the Regulation of Such Carriers.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3847.26 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 3847.26 R. C. M. amended.

"3847.26. **Fees Required for Filing Various Documents.** *The board of railroad commissioners and* the public service commission of Montana shall, except as otherwise provided by law, require and receive fees before filing any annual reports, tariffs, schedules and supplements thereof and shall require and receive fees for all copies of orders, documents, classifications, blank forms and other instruments prepared by it or on file in the office thereof, except as otherwise provided by law to be furnished free of charge, in accordance with the following schedule:

Fees required for filing various documents.

Filing annual reports, each	$5.00
Filing tariffs, time schedules and supplements thereto, each	2.00
For issuing certificates of public convenience and necessity to motor carriers, each	2.00
Classification for public utilities, each	1.50
Classification for motor carriers, each	.50
For copy of rules and regulations for motor carriers, each	.25
Blank forms of annual reports for utilities and common carriers	Cost

"Nothing herein contained shall be construed to require or authorize *the board of railroad commissioners or* the public service commission to collect fees for the filing of any annual reports, tariffs, schedules and supplements thereof which relate solely to interstate commerce."

Excepted, documents relating solely to interstate commerce.

Section 2. That Section 3847.27 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 3847.27 R. C. M. amended.

"3847.27. **Additional Fees Covering Motor Carriers.** In addition to all other licenses, fees and taxes imposed upon motor vehicles in this state and in consideration of

Additional fees covering motor carriers.

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the use of the highways of this state, every motor carrier holding a certificate of public convenience and necessity *or permit* issued by the *board of railroad commissioners,* shall between the first and fifteenth days of January, April, July and October of each year, file with the *board of railroad commissioners* a statement showing the gross operating revenue of such carrier for the preceding three (3) months of operation, or portion thereof, and shall pay to the board a fee of one-half of one (1) per cent of the amount of such gross operating revenue; *and in the event that such carrier operates in interstate commerce, the gross operating revenue of such carrier within this state shall be deemed to be all the revenue received from business beginning and ending within this state, and a proportion based upon the proportion of the mileage within this state to the entire mileage over which the business is done of revenue on all business passing through, into or out of this state;* provided, however, that the minimum fee which shall be paid by each class A and class B carrier for each vehicle registered and/or operated under the provisions of the motor carrier act shall be thirty dollars ($30.00) and the minimum annual fee which shall be paid by each class C carrier for each vehicle registered and/or operated under the motor carrier act shall be fifteen dollars ($15.00)."

Interstate carrier, gross operating revenue with state.

Minimum fee.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 19, 1947.

CHAPTER 74

An Act Relating to Vocational Rehabilitation, Repealing Chapter 260, Political Code of the Revised Codes of Montana, 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** As used in this act.

Definitions.

(a) "State board" means the state board of education;

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(b) "Bureau" means the bureau of vocational rehabilitation established by this act;

(c) "Director" means the director of the bureau of vocational rehabilitation;

(d) "Employment handicap" means a physical or mental condition which constitutes, contributes to or if not corrected, will probably result in an obstruction to occupational performance;

(e) "Disabled individual" means any person who has a substantial employment handicap;

"Vocational rehabilitation."

(f) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his employment handicap, and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counselling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance, and training books and materials;

"Rehabilitation training."

(g) "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, pre-conditioning, pre-vocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities;

"Physical restoration."

(h) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety (90) days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions;

(i) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ;

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(j) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation;

(k) "Maintenance" means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation;

(l) "Regulations" means regulations made by the director with the approval of the state board.

Establishment of bureau of vocational rehabilitation.

Section 2. **Establishment of Bureau of Vocational Rehabilitation.** There is hereby established, in the state board, a division to be known as the bureau of vocational rehabilitation.

Director of bureau, powers and duties of.

Section 3. **Director of Bureau of Vocational Rehabilitation.** The bureau shall be administered, under the general supervision and direction of the state board, by a director appointed by such board in accordance with established personnel standards and on the basis of his education, training, experience, and demonstrated ability. In carrying out his duties under this act, the director

Regulations to be made by.

(a) shall make regulations governing personnel standards, the protection of records and confidential information, the manner and form of filing applications, eligibility, and investigation and determination thereof, for vocational rehabilitation services, procedures for fair hearings and such other regulations as he finds necessary to carry out the purposes of this act;

(b) shall, with the approval of the state board, establish appropriate subordinate administrative units within the bureau;

(c) shall, with the approval of the state board, appoint such personnel as he deems necessary for the efficient performance of the functions of the bureau;

Annual reports.

Estimates.

(d) shall prepare and submit to the state board annual reports of activities and expenditures, and, prior to each regular session of the legislature, estimates of sums required for carrying out this act and estimates of the amounts to be made available for this purpose from all sources;

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(e) shall make certification for disbursement, in accordance with regulations, of funds available for vocational rehabilitation purposes;

(f) shall, with the approval of the state board, take such other action as he deems necessary or appropriate to carry out the purposes of this act;

(g) may, with the approval of the state board, delegate to any officer or employee of the bureau such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this act. Delegation of authority.

Section 4. **Administration.** Except as otherwise provided by law, the state board, through the bureau, shall provide vocational rehabilitation services to disabled individuals determined by the director to be eligible therefor, and, in carrying out the purposes of this act, the bureau is authorized, among other things, Administration, authority of state board, acting through bureau.

(a) to cooperate with other departments, agencies and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing and providing, in conformity with the purposes of this act, such programs, facilities and services as may be necessary or desirable; Cooperation with other departments, agencies and institutions.

(b) to enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned; Reciprocal agreements.

(c) to conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals. Research and statistics.

Section 5. **Cooperation with Federal Government.** The state board, through the bureau, shall cooperate, pursuant to agreements, with the federal government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration as are found by the federal government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes. Cooperation with federal government.

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Receipt and disbursement of funds.

Section 6. **Receipt and Disbursement of Vocational Rehabilitation Funds.** The state treasurer is hereby designated as the custodian of all funds received from the federal government for the purpose of carrying out any federal statutes pertaining to vocational rehabilitation. The state treasurer shall make disbursements from such funds and from all state funds available for vocational rehabilitation purposes upon certification in the manner provided in Section 3 (e).

Gifts for carrying out act.

Section 7. **Gifts.** The director is hereby authorized and empowered, with the approval of the state board, to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of this act. Gifts made under such conditions as in the judgment of the state board are proper and consistent with the provisions of this act may be so accepted and shall be held, invested, reinvested, and used in accordance with the conditions of the gift.

Eligibility for vocational rehabilitation.

Section 8. **Eligibility for Vocational Rehabilitation.** Vocational rehabilitation services shall be provided to any disabled individual (1) who is a resident of the state at the time of filing his application therefor and whose vocational rehabilitation, the director determines after full investigation, can be satisfactorily achieved, or (2) who is eligible therefor under the terms of an agreement with another state or with the federal government: Provided, that, except as otherwise provided by law or as specified in any agreement with the federal government with respect to classes of individuals certified to the state board thereunder, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

(a) Physical restoration;

(b) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary;

(c) Occupational licenses;

(d) Customary occupational tools and equipment;

(e) Maintenance;

(f) Training books and materials.

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Maintenance not assignable.

Section 9. **Maintenance Not Assignable.** The right of a disabled individual to maintenance under this act shall not be transferable or assignable at law or in equity.

Hearings.

Section 10. **Hearings.** Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the bureau shall be entitled, in accordance with regulations, to a fair hearing by the state board.

Misuse of vocational rehabilitation lists and records.

Section 11. **Misuse of Vocational Rehabilitation Lists and Records.** It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Limitation of political activity.

Section 12. **Limitation of Political Activity.** No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority or influence or permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the result thereof or for any partisan political purpose. No such officer or employee shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinions as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this provision shall be subject to discharge or suspension.

Repeal of Ch. 260, R. C. M.

Section 13. **Repeal.** Chapter 260, Political Code of the Revised Codes of Montana, 1935, is hereby repealed.

Separability of act.

Section 14. **Separability.** If any provision of this act, or the application thereof to any person or circumstance,

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is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances shall not be affected thereby.

Saving clause.

Section 15. **Saving Clause.** The legislature reserves the right to amend or repeal all or any part of this act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this act or by acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this act at any time.

Short title.

Section 16. **Short Title.** This act may be cited as the "Vocational Rehabilitation Act of Montana".

Repealing clause.

Section 17. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1947.

CHAPTER 75

An Act Providing for the Appointment of a Commission to Secure, Design and Construct a Statue of the Late Charles Marion Russell; Providing for the Placing of Said Statue in the National Statuary Hall, in the National Capitol Building at Washington, D. C.

Be it enacted by the Legislative Assembly of the State of Montana:

Whereas, under and by virtue of House Joint Memorial No. 3, session laws of the twenty-first legislative assembly of the State of Montana, 1929, the late Charles Marion Russell has been designated and named as a distinguished and illustrious citizen of the State of Montana; and

Preamble.

Whereas, under and by virtue of said House Joint Memorial No. 3, a place for a statue of the late Charles Marion Russell, in the National Statuary Hall, in the National Capitol Building, Washington, D. C. has been requested of the Honorable Senate and House of Representatives of the United States of America; Now, Therefore,

Appointment of commission.

Section 1. The governor of the State of Montana is hereby authorized to constitute a commission, with him-

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self as chairman, and three other members, to be by him appointed, for the following purposes:

Purposes of.

(a) To secure and design a statue of the late Charles Marion Russell;

(b) To attend to the construction of such statue in accordance with the laws, rules and regulations of the United States of America pertaining to such matters;

(c) To furnish such statue, when complete, to the suitable representative of the United States of America, to be placed in the National Statuary Hall in the National Capitol Building in Washington, D. C.; and

(d) To attend to the certification by the State of Montana of the designation of the late Charles Marion Russell as entitled to the honor hereby and by House Joint Memorial No. 3, above cited, conferred.

Contributions for purposes stated.

Section 2. Said commission is authorized to solicit and receive contributions for the purposes herein stated.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

CHAPTER 76

An Act Authorizing, Empowering and Directing the State Board of Examiners of the State of Montana, Acting for and on Behalf, and in the Name of the State of Montana, to Grant on Condition Subsequent, to the United States of America a Tract of Land Out of Lands Owned by the State and Adjacent to the Montana State Tuberculosis Sanitarium, as a Site for the Erection of a Federal Tuberculosis Hospital and Sanitarium for the Treatment of Montana Indians Suffering or Threatened With Tuberculosis and Allied Afflictions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana is hereby authorized, empowered and directed, for and on behalf of, and in the name of the State of Montana, to grant to the United States of America a tract of land, not to exceed two (2) acres in area, out of lands

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Tract of land as site for federal hospital for Indians, state board of examiners authorized and directed to grant to the United States.

owned by the State of Montana, at or adjacent to the Montana State tuberculosis sanitarium near Galen in Deer Lodge County, Montana, to be accepted and used by the United States of America, through the proper department, administration, agency or instrumentality thereof, as a site for the erection thereon of a federal hospital and sanitarium for the treatment of Montana Indians suffering or threatened with tuberculosis and allied afflictions.

Section 2. The particular acreage shall be selected by agreement between said board for the state, and the department of the interior of the United States for the federal government, and the grant shall be evidence by a formal deed of grant made and executed in the name of the State of Montana, by said board and its members, and duly acknowledged, and the same shall be delivered to the United States when the erection of said federal hospital is lawfully authorized, but said deed of grant shall be upon the express condition subsequent that the title conveyed by said grant shall revert to the State of Montana if the said federal hospital and sanitarium is not erected within five (5) years from the date of delivery of said deed of grant, provided, further, that at any time the United States of America abandons the hospital and sanitarium or ceases to use the same for such purpose as set forth in this act for a period of two (2) years, the title conveyed by said grant, shall revert to the State of Montana, and provided, further, that the style of architecture of any building contructed on said land shall be approved by the state board of examiners.

Execution of deed.

Grant to be made upon condition subsequent.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

CHAPTER 77

An Act Creating a Commission of Seven (7) Members for the Purpose of Studying and Making Recommendations Relative to the Problems of Juvenile Delinquents

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and Juvenile Delinquency in the State of Montana, Providing for the Membership of Said Commission, Providing for the Making of a Report.

Be it enacted by the Legislative Assembly of the State of Montana:

Commission to make a study of juvenile delinquents and delinquency.

Section 1. That a commission be appointed for the purpose of making a study of the problems of juvenile delinquents and juvenile delinquency in the State of Montana. Said commission shall make a careful study of the conditions existing throughout the state pertaining to the problems of juvenile delinquents and juvenile delinquency and the manner in which such problems can best be dealt with.

Appointment and membership.

Section 2. Said commission shall be appointed by the governor of the State of Montana in the following manner: two members from among the judges of district courts of the state, one member from among the probation officers of the state, one member from among the peace officers of the state, one member from among the members of the state house of representatives, one member from among the members of the state senate, and one member from among the members of the Montana clergy.

Report and recommendations to be made.

Section 3. Said commission shall make report and recommendations to the governor of the State of Montana not later than November 15th, 1948, and copies shall be sent to all members of the thirty-first legislative assembly.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

CHAPTER 78

An Act to Amend Section 6479, Revised Codes of Montana, 1935, as Amended By Chapter 98 of the Session Laws of Montana, 1939, Relating to Cemetery Associations; to Provide Additional Land Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6479 R. C. M. as amended, further amended.

Section 1. That Section 6479, Revised Codes of Montana, 1935, as amended by Chapter 98 of the Session Laws of Montana, 1939, be and the same is amended to read as follows:

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"Section 6479. **May Take Land by Purchase or Gift—Use of Personal Property Gifts.** Any association incorporated agreeably to the provisions of this act may take by purchase or gift, and hold, within the county in which the certificate of their incorporation is recorded, not exceeding *three hundred and twenty (320)* acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead, and for purposes necessary or proper thereto; such land, or such portion thereof as may from time to time be required for that purpose, shall be surveyed and divided into lots of such size as the trustees may direct, with such avenues, alleys and walks as the said trustees deem proper; and a map of such survey shall be filed and recorded in the office of the county clerk and recorder of the county in which the lands lie, without any fees therefor. Such association may also take by gift and hold personal property, and may sell the same and apply the proceeds thereof to the care, maintenance and embellishment of said cemetery, but for no other purpose, and all real and personal estate which shall have been given or granted to any such association for the maintenance of any monument, the keeping in good order, or the embellishment of any lot or ground situated within the inclosure of such an association, shall remain forever to the uses for which the same shall have been given or granted, according to the true intent of the grantor. Any city or town in or near which a cemetery is maintained under the provisions of this act, may furnish water to be used within such cemetery and for its maintenance and beautification free of charge to such cemetery association if such city or town shall so elect."

May take land by purchase or gift.

Use of land.

May take and sell personal property, for what purposes.

Water may be furnished by nearby city or town free of charge.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

CHAPTER 79

An Act Regulating Apiculture; Designating the State Entomologist as the State Apiarist; Empowering the

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State Apiarist to Make Rules and Regulations for the Control of Bee Diseases and Other Matters Pertaining to the Promotion of the Beekeeping Industry; Providing for Quarantine Regulations and Sanitation of Apiaries; Providing for Registration and Location of Apiaries; Regulating the Transportation of Used Beekeeping Equipment Into the State of Montana and the Transportation of Bees in Combless Packages; Providing for Inpection of Beekeeping Equipment; Providing for the Disposition of Fees Collected by the State Apiarist and Providing for Penalties for the Violations of the Provisions of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** The following terms shall be construed respectively to mean: Definitions.

(a) "Apiary"—Any place where one (1) or more colonies of bees are kept, or one or more hives containing honey combs or bee combs are kept. "Apiary."

(b) "Equipment"—Hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, honey, wax, and hives, and shall also include any containers of honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies. "Equipment."

(c) "Hive"—Frame hive, box hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial or any part thereof, which may be used as a domicile for bees. "Hive."

(d) "Bees"—Any stage of the common honey bee, Apis mellifera. "Bees."

(e) "Bee diseases"—American or European foulbrood, sacbrood, bee paralysis, or any other disease or abnormal condition of egg, larval, pupal or adult stages of bees. "Bee diseases."

(f) "Colony"—The hive and all equipment used in connection therewith. "Colony."

(g) "Persons"—Individuals, associations, partnerships or corporations. "Persons."

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"Queen apiary." (h) "Queen Apiary"—Any apiary or premises in which queen bees are reared or kept for sale or gift.

Words used in this act shall be construed to import either the plural or singular, as the case demands.

Power and duties of state apiarist or deputy.

Section 2. **Powers and Duties of State Apiarist.** The state entomologist is hereby designated as the state apiarist and for the purpose of preventing the spread of contagious and infectious disease among bees and apiaries, the state apiarist, or any deputy appointed or employed by him, shall have the following powers:

Transfer of bees to other hives.

1. To order the transfer of colonies of bees from hives or containers which cannot be properly examined for brood or other diseases to other hives or containers.

Burning of infected bees or equipment.

2. To order the burning of, or to burn, any infected or contaminating bees, bee hives, brood combs, or any other equipment, which, in his judgment, is so infected or contaminated that disinfection thereof will not destroy the infection or contamination.

Disinfection

3. To order disinfection of any bee, bee hive, brood comb or any other equipment which is infected or contaminated and with full power to order the burning of, or to burn, any bee, bee hive, brood comb, or any other equipment, if, in his judgment, disinfection will not remove the infection or contamination, provided, however, before burning any such property, the state apiarist, or his deputy, shall give the owner of, or person in charge thereof, a written notice at least five (5) days prior to the date on which said property will be burned. This notice to be given by registered mail or personally served upon the owner of, or person in charge of, such property.

Proviso, relating to burning.

Quarantine of apiary.

4. To quarantine any apiary where foulbrood or any contagious or infectious diseases are present and, during such quarantine, to prevent the removal from such apiary, of any bees or equipment excepting under authority of a special permit issued by the state apiarist, or his deputy, permitting such removal under conditions and regulations to be prescribed by him. No person shall sell, or offer for sale, any apiary, bees or equipment while the same is under quarantine unless a permit authorizing such sale or removal is made by the state apiarist. Written notice of quarantine shall be posted by any officer at such quarantined apiary at a conspicuous place and a

Notice of

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copy thereof shall be personally served or sent by registered mail to the owner of such apiary or person in charge thereof, and such quarantine shall continue in effect until it is ordered removed and a copy of such removal served in the same manner.

Inspection for unsanitary conditions.

5. To inspect any honey house or building or portion of building or container in which honey is stored, graded or processed, and determine whether or not any unsanitary conditions exist. If it is found that unsanitary conditions exist or are permitted to exist, the owner or person in charge shall be notified in writing to place such honey house, building or portion of building or container in a sanitary condition within a reasonable length of time, and any operator or owner of such honey house, building or container failing to obey such notice shall be guilty of a misdemeanor and shall be punished as provided in this act.

Penalty for failure of owner to obey notice.

Section 3. **Registration.** It shall be unlawful for any person, firm or corporation in the State of Montana to possess or own an apiary without registering the same as hereinafter provided. Every person, firm or corporation who shall own or possess in the State of Montana an apiary shall, within sixty (60) days from and after the passage and approval of this act, and on or before the first day of April each year hereafter, cause the same to be registered in the following manner:

Registration of apiary.

Procedure.

Application.

1. Applications shall be made to the state apiarist for registration blank.

Registration blanks, and contents of.

2. Registration blanks shall be furnished by the state apiarist, which blank shall contain a statement of the name, place of residence, place of business, of the owner, together with the number of colonies of bees, hives and equipment in such apiary, and the location in the state, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range, and if within the corporate limits of a town or city, by setting forth the number of the lot and block in such town or city and stating also the name of the owner, renter and/or occupant of the land whereupon such apiary is located, and give such other information as the state apiarist may require under rules and regulations established by him for the protection, safety and welfare of the public and beekeeping industry. The registra-

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tion blanks shall also include the date when the location was first established.

Subsequent report, when.

If additional colonies of bees are added to the apiary by purchase or any means other than natural increase, after the registration of the apiary, a report thereof shall be made to the state apiarist within thirty (30) days setting forth the number of additional colonies added to the apiary.

Certificate of registration.

3. Upon receipt of such application, and payment of the fees hereinafter prescribed, the state apiarist shall be authorized to issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location and the number of colonies of bees or size of the apiary authorized under such registration.

Conflicts between applicants.

4. In issuing certificates of registration for apiaries established and registered as now provided by law, if there is a conflict between applicants with respect to location, the state apiarist shall give preference to the applicant having the oldest continuous established location.

Proximity to established apiaries.

5. Certificates of registration shall not be issued for new locations of apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease, or that such proximity will or may interfere with the proper feeding and honey flow of such established apiaries.

New locations, notice to registered apiarists.

6. Before authorizing the establishment of new locations, the state apiarist shall give notice of at least ten (10) days by registered letter to all registered apiarists likely to be affected by the proposed new location so that any party affected may file written protests with the state apiarist against authorizing such new locations. In the event a written protest is filed, the state apiarist may

Hearing.

require a hearing and notice of the time and place of such hearing shall be given all parties interested by registered mail at least ten (10) days before the date set for the hearing. Any party dissatisfied with the order of the

Resort to district court.

state apiarist may bring an action in the district court of the county where the proposed location is located, within fifteen (15) days, to set aside or modify the order of the state apiarist. In the event such action is not brought

Limitation.

within fifteen (15) days, the order of the state apiarist

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shall be final and conclusive upon the parties to the proceedings.

Change of location, permit for.

7. It shall be unlawful for the owner of any established registered apiary to change locations without first receiving from the state apiarist a permit to establish such new location. In making such application he shall specify the location with the same particularity as in the application or original registration. If such new location is not used within sixty (60) days after a permit is issued, then such permit shall lapse and all right thereunder shall terminate. Provided further that permits for new locations shall not be issued for greater areas than the applicant can show are reasonably necessary for his needs consistent with good beekeeping practice.

Posting of certificate of registration.

8. The certificate of registration issued pursuant hereto shall be posted in a conspicuous place at or near the location of his colony of honey bees or beehives, and in the event one owner has more than one location, he shall obtain a duplicate of his original registration certificate and the same shall be posted at each location. Such duplicate registration certificate shall have printed across the face thereof the word "Duplicate".

Section 4. **Registration Fees.** Each year before a certificate of registration shall be issued for any apiary, the owner or applicant for such certificate shall pay to the state apiarist a registration fee in accordance with the following schedule of fees for the total number of colonies owned or possessed by each applicant, firm or corpoartion in the State of Montana:

Registration fees.

1 to 10 colonies of bees	$ 1.00
11 to 50 colonies	2.50
51 to 200 colonies	5.00
201 to 300 colonies	7.50
301 to 400 colonies	10.00
401 to 500 colonies	20.00
501 colonies and upward	25.00

Additional colonies, fees for.

If, after the registration is made for the ensuing year, additional or new colonies are added, the same shall be reported as in this act provided and fees shall be paid in accordance with the above schedule for the total number of colonies for that year. Provided further that a fee of three dollars ($3.00) yearly shall be charged for the reg-

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istration of any apiary not coming within the schedule above set forth.

Used or secondhand beekeeping equipment transported into state, inspection of.

Section 5. **Inspection of Used or Secondhand Beekeeping Equipment Transported Into the State.** It shall be unlawful to transport or bring into the State of Montana any used or secondhand hives, honey combs, frames or other used or secondhand beekeeping equipment without first having the same inspected by the state apiarist, or his deputy, and obtaining from him a certificate of inspection showing that the same is apparently free from contagious or infectious disease. The cost of making such inspection shall be paid by the person requesting the same and inspection may be made at any point outside the State of Montana convenient to the person making the inspection. The state apiarist may require that the costs of making such inspection be paid in advance and such costs shall include a per diem of ten dollars ($10.00) and all necessary traveling expense, and a fee of five dollars ($5.00) for the issuance of the certificate of inspection.

Cost of, and fee.

Importation of bees in combless packages.

Section 6. **Importation of Bees in Combless Packages.** It shall be unlawful to transport or bring into the State of Montana bees in combless packages unless the same are accompanied by a certificate of health issued by the official inspector of the state or country from whence they came. The transportation of bees into this state without said certificate of health by any person or persons or by any common carrier or by any method of transportation shall be a violation of the provisions of this act and punished as hereinafter provided.

Disposition of fees.

Section 7. **Disposition of Fees.** All registration fees and inspection fees collected under the provisions of this act shall be transmitted by the state apiarist to the state treasurer, who shall deposit the same to the credit of the general fund of the state.

Penalties.

Section 8. **Penalties.** Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

Separability of act.

Section 9. **Separability of Act.** If any clause, sentence, section, paragraph, part or portion of this act shall, for

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any reason, be adjudged by any court of competent jurisdiction to be invalid, unconstitutional or inoperative, such judgment shall not affect, impair or invalidate the validity of the act as a whole, or the remainder of this or any part thereof which can be given effect, but shall be confined in its operation to the particular clause, sentence, section, paragraph, part or portion directly adjudged to be so invalid, unconstitutional or inoperative.

Orders effective until reversed of modified by court.

Section 10. **Orders Effective Until Reversed or Modified by Court.** Until reversed or modified by a court of competent jurisdiction any order or regulation made and promulgated by the state apiarist, including any order refusing permit for the establishment of a new apiary location, shall be effective until reversed or modified by a final decision, or final judgment, and while such action is pending, (Section 9821, Revised Codes of Montana, 1935); and no injunction or other process or writ shall be issued or made by any court restraining such enforcement until such final determination.

Repealing clause.

Section 11. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 12. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1947.

CHAPTER 80

An Act to Create the Eighteenth Judicial District of the State of Montana to Be Composed of the County of Gallatin, to Provide and Designate the Powers, Duties, Term and Compensation of the Judge of Said Eighteenth Judicial District, and to Provide That the Sixth Judicial District of the State of Montana Shall Hereafter Embrace the Territory Within the Counties of Park and of Sweet Grass.

Be it enacted by the Legislative Assembly of the State of Montana:

Eighteenth judicial district, creation of and territory comprised.

Section 1. That there is hereby created a new judicial district of the State of Montana, to be known as the eighteenth judicial district of the State of Montana, and that the same shall embrace and comprise the territory

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within the county of Gallatin within the State of Montana, which after the passage of this act shall constitute the eighteenth judicial district of the State of Montana.

Territory of sixth judicial district.

Section 2. That the sixth judicial district of the State of Montana shall hereafter embrace the territory within the counties of Park and Sweet Grass.

Appointment of a judge.

Section 3. That within thirty (30) days after the passage and approval of this act, the governor of this state shall designate and appoint a judge of the said eighteenth judicial district.

Powers, duties and compensation of the judge.

Section 4. That the powers, duties, compensation and term of office of the judge of the said eighteenth judicial district shall be the same as provided for by law and the constitution of the State of Montana for district judges.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 22, 1947.

CHAPTER 81

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken for the Authorization and Issuance by Such Public Bodies of Bonds, Instruments and Other Obligations, However Described, and Providing That This Act May Be Cited as "The 1947 Bond Validating Act".

Be it enacted by the Legislative Assembly of the State of Montana:

Title of act.

Section 1. This act may be cited as "The 1947 Bond Validating Act".

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meaning:

"Public body."

(a) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other po-

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litical or governmental sub-division of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

"Bonds."

(b) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery; and bonds of such public bodies, whether issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Validation of bonds heretofore issued by public bodies.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 25, 1947.

CHAPTER 82

An Act to Amend Section 2122.5 R. C. M. 1935, Relating to the Appointment of a Secretary and Other Employees of the State Board of Equalization.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2122.5 R. C. M. amended.

Section 1. That Section 2122.5 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Appointment of a secretary and employ other persons.

"Section 2122.5. *Subject to the provisions of Chapter 36, Session Laws of Montana of 1943, the state board of equalization* may appoint a secretary and employ such other persons as experts, assistants, clerks and stenographers, as may be necessary to perform the duties that may be required of it. The total expenses of such board shall not exceed, in the aggregate, during any fiscal year, the amount appropriated for the board for all purposes by the legislature for such year. Said board may also require the assistance of any engineer in the service of any department of the state government without additional compensation other than such as he is already receiving. The secretary shall keep full and correct minutes of the transactions and proceedings of said board, shall have authority to administer oaths and perform such other duties as may be required of him. The board may make all needful rules for the orderly and methodical performance of its duties as a board of equalization or otherwise and for conducting hearings and other proceedings before it."

Duty of secretary.

Board may make rules.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1947.

CHAPTER 83

An Act to Amend Section 3537 of the Revised Codes of Montana of 1935, Relating to Workings of Coal Mines Near Boundary Lines.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3537 R. C. M. amended.

Section 1. That Section 3537 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Boundary lines.

"Section 3537. **Boundary Lines.** In no case shall the workings of a coal mine be driven nearer than *fifty (50)* feet to the boundary line of the coal rights pertaining to

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said mine, except for the purpose of establishing connecting workings between properties owned by the same person, or an underground communication between contiguous mines as provided for elsewhere in this Act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect upon its passage and approval.

Approved February 27, 1947.

CHAPTER 84

An Act to Amend Section 3684 of the Revised Codes of Montana, 1935, Relating to the Application for Hunting and Fishing Licenses, and Penalty for Making False Statement in Application for License.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3684 R. C. M. amended.

Section 1. That Section 3684 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Application for license.

"Section 3684. **Application for License.** Such license shall be procured from the state fish and game warden, or any deputy state fish and game warden, or any *authorized agent of the state fish and game warden. The applicant shall state his* name, age, occupation, place of residence, post office address, the length of time in the State of Montana, whether a citizen of the United States or an alien, and such other facts, *data* or descriptions as may be required by the commission. *The statements made by the applicant* shall be subscribed and sworn to *before the officer or agent issuing said license.*

Penalty for swearing to false statement.

Any person who shall swear or affirm to any false statement in the application for a hunting or fishing license, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in Section 3706, Revised Codes of Montana, 1935, as now or hereafter codified.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 85

An Act to Amend Section 3671 of the Revised Codes of Montana, 1935, Relating to the State Fish and Game Warden and the Employment of Clerks and Stenographers and Providing For Employment of Professional Legal Assistance For the Commission and State Fish and Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3671 R. C. M. amended.

Section 1. That Section 3671 of the Revised Codes of Montana, 1935, be, and the same is hereby amended, to read as follows:

State fish and game commission may employ clerical, stenographic and legal assistants.

"Section 3671. The state fish and game warden appointed and employed by the state fish and game commission of this state, shall have the right, subject to the approval of the commission, to employ such clerical, stenographic, *and, also, such professional legal assistance,* as may be necessary for *the commission* properly *to* maintain *and administer its* office and perform *its* official duties, and the person or persons *so employed* shall be paid monthly out of the fish and game funds of the state *or, in the case of the legal assistance on a fee basis,* upon proper voucher."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval by the governor.

Approved February 27, 1947.

CHAPTER 86

An Act to Amend Section 3665 of the Revised Codes of Montana, 1935, Relating to the Salary and Expenses of the Superintendent of Fisheries.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3665, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3665 R. C. M. amended.

"Section 3665. The superintendent of state fisheries, appointed and employed by the commission, shall receive for his services a salary *fixed by the commission with the approval of the state board of examiners and, in addition, shall be allowed* his actual and necessary traveling expenses while absent from his place of residence and upon official business connected with his office, but in no instance shall he be allowed for such expenses a sum in excess of one thousand five hundred dollars ($1,500.00) in any one year, *and such salary and expenses* shall be paid from the state fish and game fund on proper vouchers."

Superintendent of state fisheries, salary of.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its approval.

Effective date.

Approved February 27, 1947.

CHAPTER 87

An Act to Amend Section 3655 of the Revised Codes of Montana, 1935, Relating to the State Fish and Game Warden, His Qualifications, Salary and Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3655, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 3655 R. C. M. amended.

"Section 3655. The state fish and game commission shall appoint and employ a state fish and game warden, who shall continue in the office at the pleasure of said commission. He shall be a person having experience, special training and skill in wildlife protection, conservation, and management. He shall be the secretary of the state fish and game commission, attend the meetings of said commission, and keep a record of all of its transactions, and shall make and keep an inventory showing

State fish and game warden.

Duties of

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the description and value of all property owned by the state and under the administration of said commission. He shall be the administrative agent of the state fish and game commission, custodian of the property and records of the fish and game department, and shall maintain his office at the seat of the state government. He shall devote all of his time to his official duties, and such state fish and game warden shall have all the powers and duties which are now or may hereafter be by law conferred upon and delegated to the state game warden or the state fish and game warden. His powers and duties shall include those of a deputy state fish and game warden hereinafter enumerated. He shall be subject to the supervision and control of said commission and may be removed from office by said commission for neglect of duty, incompetency, or other good cause, *and after full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing.* The state fish and game warden shall be paid a salary fixed *by the commission and approved by the state board of examiners,* and shall be allowed his actual and necessary traveling expenses while away from the seat of government upon official business connected with his office, but in no *year* shall he be allowed as expenses a sum in excess of two thousand dollars ($2,000.00) in any one year, the same to be paid upon proper vouchers from the fish and game fund of the state."

Removal from office for neglect of duty, and procedure for.

Salary and expenses.

Limitation.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 88

An Act Providing for the Appointment of License Agents for the State Fish and Game Commission, Fixing Their Bond and Compensation, Providing for Remittance of License Fees and Reports, Providing That License Agents May Administer Oaths to Applicants for Licenses, and Repealing Section 3687 and Section 3707, of the Re-

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vised Codes of Montana, 1935, and All Other Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

License agents, appointment of authorized.

Section 1. The state fish and game warden shall have authority to appoint license agents as needed to sell state hunting and fishing licenses, according to such rules and regulations as the commission shall prescribe.

Surety bond required.

Section 2. Each appointed license agent shall furnish a corporate surety bond in the amount of one thousand dollars ($1,000.00) to the State of Montana, conditioned that such license agent shall promptly remit and turn over to the state fish and game warden all moneys received from the sale of hunting and fishing licenses and permits, and that he shall properly account for all unsold licenses annually on April 1, or at any other time, at the request of the state fish and game warden.

Compensation of.

Duties.

Section 3. License agents, except salaried deputy fish and game wardens, shall receive for all services rendered the sum of ten cents (10c) for each license issued. On or before the 10th day of each month each license agent shall submit to the state fish and game warden all duplicates of each class of licenses sold during the preceding month and shall accompany such duplicate licenses with lawful remittance of all moneys received for the sale thereof, less a fee of ten cents (10c) for each license sold. Each license agent shall keep his license account open to inspection at all reasonable hours by the state fish and game commission, the state fish and game warden, or his deputies, or the state examiner.

Appointments non-transferable.

Section 4. Appointments of license agents shall be non-transferable, and shall be valid only while the licensee is in the business, or in the employ of business concern, for which appointment has been made, and may be summarily revoked at any time by the state fish and game warden for non-compilance with the provisions of this act or other regulations. Duly appointed license agents are hereby authorized to administer oaths to applicants for hunting and fishing licenses.

Revocability of appointments.

Agents may administer oaths to applicants.

Prior appointments.

Section 5. All appointments of, or authorizations to, persons or corporations to sell hunting and fishing licenses issued prior to the passage of this act shall be subject to the provisions hereof.

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Repealing clause.

Section 6. That Section 3687 and Section 3707, of the Revised Codes of Montana, 1935, and all other acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from its passage and approval.

Approved February 27, 1947.

CHAPTER 89

An Act Establishing a State Narcotics Education Commission for the Purpose of Promoting Scientific Narcotics Education and Decreasing the Intemperate Use of Alcoholic Liquors and Other Narcotics, and Authorizing the Commission to Accept Contributions, Donations and Gifts to Cover the Cost of Administering This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

State narcotics education commission established.

Membership of.

Section 1. That there shall be established in the State of Montana, a commission to be known as the state narcotics education commission, the same to be composed of the superintendent of public instruction, the secretary of the state board of health and the administrator of the department of public welfare, all of whom shall serve ex-officio as members of such commission without additional compensation.

President, and principal place of business.

Section 2. The superintendent of public instruction shall be the president of such commission and its principal place of business shall be at the capitol building, in the city of Helena, Montana.

Secretary, appointment, tenure and compensation of.

Section 3. The said commission shall be authorized, and is hereby empowered, to appoint and employ a secretary, who shall hold office at the pleasure of the board, and receive a salary as designated by the board, out of the funds hereinafter provided.

Purpose of the commission.

Section 4. It is hereby declared to be the purpose of the establishment of such commission, to intensify and promote scientific instruction in Montana educational institutions, from elementary schools through institutions of higher education, regarding the effects of intemperate use of alcoholic liquors and other narcotics, and the injury

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occasioned to the body and mind of individuals, and to society, incident to their use.

Acceptance of contributions authorized.

Section 5. The said commission is hereby authorized to accept contributions, donations and gifts and to use the funds derived therefrom for efficiently carrying out the purpose of this act.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 90

An Act to Amend Section 1088, Revised Codes of Montana, 1935, Relating to Certification of Teachers In the High Schools of This State and for the Units of the University of Montana and Authorizing the State Board of Education to Approve the Certification of Non-Citizen Teachers For High Schools and the Units of the University of Montana and Prescribing the Number.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1088 R. C. M. amended.

Section 1. That Section 1088, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"1088. **Examinations and Certificates—Certificates of Qualification Required of Teachers.**

Certificate to teach, granting of limited to citizens.

"1. No certificate to teach in the public schools of Montana shall be granted to any person who is not a citizen of the United States. *This requirement shall not apply to such persons who are not citizens of the United States but who are approved annually by the state board of education for employment as exchange teachers from foreign countries or who are approved annually for employment for special instruction, study or research in the public high schools, the public junior colleges and the units of the university of Montana. During no school or university year may the number of persons so approved for employment by the state board of education exceed a total of one hundred (100) persons for both the public high schools and the units of the university of Montana.*

Exception, relating to exchange teachers.

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Eligibility to teach.

"2. No person is eligible to teach in any public school in this state, or to receive a certificate to teach, who has not attained the age of eighteen (18) years and who has not secured and presented to the certification authority a satisfactory health certificate from a reputable physician.

Certificate of qualifications to teach.

"3. No person shall be accounted a qualified teacher within the meaning of the school law who has not first secured from the certificating authority a certificate setting forth his qualifications to teach in the public schools of Montana.

Registration of certificates.

"4. All certificates before they shall be valid in any county must be registered in the office of the county superintendent of schools of such county within ten (10) days after the term of service of any teacher begins. Not more than ten (10) days' salary shall be paid any teacher for services rendered previous to the registration of such certificate."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 91

An Act to Amend Section 4 of Chapter 150 of the Session Laws of 1945, Relating to the Salary of the Clerk of the District Court, and Repealing All Other Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4, Ch. 150 laws of 1945 amended.

Section 1. That Section 4 of Chapter 150 of the Montana Session Laws of 1945, be and the same is hereby amended to read as follows:

Salary.

"Section 4. The salary of the clerk of the district court shall be *the same as that paid to the county treasurer.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1947.

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CHAPTER 92

An Act to Amend Section 4739 of the Revised Codes of Montana of 1935, Relating to Absence of County Officers From the State, By Providing Sheriffs, Undersheriffs, and Deputy Sheriffs May Absent Themselves From the State For a Period of More Than Sixty Days For Certain Purposes, Without Forfeiting Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4739 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

Sec. 4739 R. C. M. amended.

"4739. **Absence of County Officers From State.** A county officer must, in no case, *other than herein specified*, absent himself from the state for a period of more than sixty days, and for no period *longer than five (5) days* without the consent of the board of county commissioners, and if he does so absent himself he forfeits his office; *provided, however, the sheriff, undersheriff, or deputy sheriffs of any county may absent themselves from the state, with the permission of the board of county commissioners, for a period of more than sixty days for the sole purpose of attending a recognized and accredited law enforcement training school without effecting forfeiture of their offices.*"

Absence of county officers from state.

Proviso, relating to sheriff, undersheriff and deputy sheriff.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 27, 1947.

CHAPTER 93

An Act to Amend Section 5108.1 of the Revised Codes of Montana, 1935, Relating to Age Restrictions On Policemen and Giving Certain Preferences to Honorably Discharged Soldiers, Sailors, and Marines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5108.1 of the Revised Codes of Montana, 1935, be hereby amended to read as follows:

Sec. 5108.1 R. C. M. amended.

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Age restriction on policemen.

"Section 5108.1. **Age Restriction on Policemen—Not Applicable to Veterans, Present Members and Police Reserves.** The members of the police department on the active list of any city at the time of their appointment under this Act shall not be less than twenty-one (21) years of age, nor more than thirty-five (35) years of age, but this restriction shall not apply to any member of any present police department, nor to police reserves hereinafter provided for nor to honorably discharged *persons who served in the armed forces of the United States in time of war, providing such time of service be not less than three months.*"

Exemption in favor of present policemen, police reserves and veterans.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 94

An Act to Amend Section 2303.6 of the Revised Codes of Montana, 1935, Relating to Corporation License Tax, Providing For Suspension or Forfeiture of the Right to Do Business In Case of Delinquency, and Repealing Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2303.6 R. C. M. amended.

Section 1. That Section 2303.6 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Failure to pay tax or file return, penalty for.

"Section 2303.6. If a tax computed and levied hereunder is not paid *or if a return is not filed* before five o'clock P.M. on the last day of the eleventh month after the date of delinquency the corporate powers, rights and privileges of the delinquent taxpayer, if it be a domestic corporation, shall be suspended, and if the delinquent taxpayer be a foreign corporation it shall thereupon forfeit its rights to do intrastate business in this state. *Provided that, if any domestic corporation shall fail, for a period of five consecutive years, to either file a return or to pay the corporation license tax, the state board of equalization shall notify such corporation by mail addressed to*

Dissolution of domestic corporations for delinquency for five consecutive years, procedure for.

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the latest address on file in its office that such corporation will become dissolved if it fails to file all delinquent reports and pay all delinquent corporation license taxes within a period of sixty (60) days from and after the mailing of such notice, and, if such delinquent reports are not made and all delinquent corporation licenses are not paid before the expiration of said sixty (60) day period, the state board of equalization shall certify this fact to the secretary of state and upon receipt of such certificate, the said corporation shall be dissolved and the secretary of state shall indicate, by his records, such dissolution.

Certificate of secretary of state, conclusive evidence of suspension, forfeiture or dissolution.

The *state board of equalization* shall transmit the name of each such corporation to the secretary of state, who shall immediately record the same in such manner that it may be available to the public. The suspension, forfeiture *or dissolution* herein provided for shall become effective immediately such record is made, and the certificate of the secretary of state shall be *conclusive* evidence of such suspension, forfeiture *or dissolution.*"

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1947.

CHAPTER 95

An Act to Amend Section 2089 of the Revised Codes of Montana, 1935, and Section 1 of Chapter 202 of the Laws of the Twenty-Fifth Legislative Assembly, as Amended by Chapter 18 of the Laws of the Twenty-Seventh Legislative Assembly, Relating to the Assessment of Net Proceeds of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2089 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 2089. Every person, partnership, corporation, or association, engaged in mining, *extracting or producing from* any quartz vein or lode, placer claim, *dump or tail-*

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ings, or other place or sources whatever, precious stones or gems, gold, silver, copper, coal, lead, petroleum, natural gas, or other valuable mineral, must on or before the thirty-first day of March of each year make out a statement of the gross yield of the above named metals or minerals from each mine owned or worked by such person, corporation or association during the year preceding the first day of January of the year in which such statement is made, and the value thereof. Such statement shall be in the form prescribed by the state board of equalization, and must be verified by the oath of such person or the manager, superintendent, agent, president or vice-president of such corporation, association or partnership, and must be delivered to the state board of equalization on or before the thirty-first day of March. Such statement shall show the following:

Statement of gross yield of mines.

Form and contents of.

"1. The name and address of the owner or lessee or operator of the mine, together with the names and addresses of any and all persons, corporations, or associations owning or claiming any royalty interest in the mineral product of such mine or the proceeds derived from the sale thereof, and the amount or amounts paid or yielded as royalty to each of such persons, corporations or associations during the period covered by the statement.

Names and addresses of owners, operators and of owners of royalty interest.

"2. The description and location of the mine.

"3. The number of tons of ore, barrels of petroleum, cubic feet of natural gas or other mineral products or deposits extracted, produced, and treated or sold from the mine during the period covered by the statement.

Production.

"4. The amount and character of such ores, mineral products or deposits, and the yield of such ores, mineral products or deposits from such mine in constituents of commercial value; that is to say, the number of ounces of gold or silver, pounds of copper or lead, tons of coal, barrels of petroleum or other crude or mineral oil, cubic feet of natural gas or other commercially valuable constituents of said ores or mineral products or deposits measured by standard units of measurement, yielded to such person, corporation or association so engaged in mining, and to said royalty holders and each of them, if any, during the period covered by the statement.

Amount and character of ores, mineral products in commercial value.

"5. The gross yield or value in dollars and cents.

"6. Actual cost of extracting same from mine.

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"7. Actual cost of transporting to place of reduction or sale.

"8. Actual cost of reduction or sale.

"9. Actual cost of marketing the product and conversion of same into money.

"10. Cost of construction, repairs and betterments of mines, and cost of repairs and replacements of reduction works.

"11. The assessed valuation of reduction works for the calendar year for which such return is made.

"12. Actual cost of fire insurance and workmen's compensation insurance."

Sec. 1, Ch. 202 laws of 1937 as amended further amended.

Section 2. That Section 1 of Chapter 202 of the Laws of the Twenty-Fifth Legislative Assembly, as amended by Chapter 18 of the Laws of the Twenty-Seventh Legislative Assembly, be and the same is hereby amended to read as follows:

Deductions allowable for capital expenditures.

"Section 1. The state board of equalization in computing the deductions allowable for expenditures under Section 2090 of the Revised Codes of the State of Montana on petroleum and natural gas production, shall compute and allow deductions for any capital expenditures made prior to the year for which any such statement is made, where the same have not been previously allowed in computing such net proceeds under the laws of the State of Montana; provided that no such deductions shall be allowed on account of any expenditures made during any calendar year prior to the year 1936; and provided further that no deductions shall be allowed for expenditures except for the calendar year for which the computation is made and the calendar year preceding the year for which the computation is made."

Exceptions.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 96

An Act Providing That Motorized Equipment of Fire De-

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partments and Fire Companies Shall Have Right-of-Way Over Other Vehicles.

Be it enacted by the Legislative Assembly of the State of Montana:

Right-of-way of motorized equipment of fire departments.

Section 1. The motorized equipment of fire departments and of fire companies shall have right-of-way over all other vehicles.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 97

An Act to Amend Section 5109 of the Revised Codes of Montana, 1935, as Amended By Chapter 4 of the Laws of the Twenty-Fifth Legislative Assembly of 1937, Relating to the Establishment, Equipment and Management of Fire Departments In Cities and Towns, and to Provide For Contracts By City and Town Councils With Fire Districts and Property Owners For the Extension of Fire Protection Service to Property Outside the Cities and Towns, and For the Authorization of Fire Departments to Combat Fires Beyond the City or Town Limits; to Amend Section 5148 of the Revised Codes of Montana, 1935, as Amended By Chapter 118 of the Laws of the Twenty-Ninth Legislative Assembly of 1945, Relating to the Establishment and Disorganization of Fire Districts, and to Provide For the Levy of a Special Tax Upon Property Within Such Districts For the Purpose of Paying the Consideration For Fire Protection Service; and to Amend Section 5149 of the Revised Codes of Montana, 1935, Relating to the Board of Directors of Fire Districts in Unincorporated Territories, Towns and Villages, and to Provide That the Board of Directors of Such Districts May Contract With City or Town Councils for Fire Protection Service.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5109 R. C. M. as amended further amended.

Section 1. That Section 5109 of the Revised Codes of Montana, 1935, as amended by Chapter 4, Laws of the Twenty-fifth Legislative Assembly of 1937, be and the same is hereby amended to read as follows:

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"Section 5109. (a) There shall be in every city and town of this state a fire department, which shall be organized, managed and controlled as in this act provided.

Fire department provided for cities and towns.

"(b) The council of cities and towns shall have charge of and supervision over the fire department thereof, with power to regulate its duties, to maintain a fire alarm telegraph, to erect engine, hose and hook-and-ladder houses, and provide engines and other implements and apparatus for the extinguishing of fire, and make such other ordinances not inconsistent with the provisions of this act and the other laws of the state for the government, direction and management of the fire department.

City council to have charge of.

"(c) *The council shall have power to contract with the board of directors of any fire district established in accordance with the provisions of Section 5148 of this code as amended, or with the owners of property, for the extension of fire protection service to property situate beyond but within three (3) miles of the limits of the city or town and either owned by such owners or included within such fire district, in consideration of such reasonable compensation therefor, to be paid by such fire district or by such property owners, as may be agreed upon by the parties. Pursuant to the provisions of any contract so made, the council may authorize the fire department of such city or town to combat and extinguish fires beyond the limits of the city or town, under such rules and regulations as may be prescribed by the council.*"

Fire protection service beyond limits of city or town, council may contract for.

Section 2. That Section 5148 of the Revised Codes of Montana, 1935, as amended by Chapter 118, Laws of the Twenty-Ninth Legislative Assembly of 1945, be and the same is hereby amended to read as follows:

Sec. 5148 R. C. M. as amended further amended.

"Section 5148. **Fire Protection—Establishment of Fire Districts—Disorganization of Fire Districts.** The board of county commissioners is authorized to establish fire districts in any unincorporated territory, town or village whenever requested in writing so to do by the owners of fifty per cent (50%) or more, of the area included within the proposed district and who constitute a majority of the taxpayers who are freeholders of such territory, town or village, and whose names appear upon the last completed preceding assessment roll; and at the time of the annual levy of taxes may levy a special tax upon all property within such districts for the purpose of buying apparatus and maintaining the fire department of any such

Fire districts in unincorporated territory, town or village, establishment of.

Special tax for apparatus, maintenance or service.

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district, *or for the purpose of paying to a city or town the consideration provided for in any contract with the council of such city or town for the extension of fire protection service to property within such district,* and such tax must be collected as are other taxes. All moneys so collected by the county treasurer shall be disbursed by him upon warrants signed by the treasurer of the fire company and countersigned by its president or chief officer. In the drawing of such warrants against the funds so collected by the county treasurer, the president or chief officer and treasurer of the fire company shall be governed by the by-laws of such fire company. It is provided that the provisions of this section shall not apply to payment of bonds and interest thereon as provided by Sections 5149 to 5158 of this code. Any fire district organized under this Act may be dissolved when the board of county commissioners is requested in writing so to do by the owners of fifty per cent (50%) or more, of the area included within such fire district and who constitute a majority of the taxpayers who are freeholders of such territory, town or village and whose names appear upon the last completed assessment roll."

Application of act.

Dissolution of district.

Section 3. That Section 5149 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"5149. **Commissioners Ex-Officio Directors of Fire Districts—Issuance of Bonds—Limitation on Amount—Election — Term** — *Contracts for Municipal Fire Protection.*

Commissioners ex-officio directors of fire districts.

(a) Whenever the board of county commissioners shall have established a fire district in any unincorporated *territory,* town or village, said board of county commissioners shall be and is hereby constituted ex-officio a board of directors of such fire district. The board of directors of any duly established fire district in unincorporated *territories,* towns or villages within this state shall, whenever a majority of the directors so decide, submit to the electors of the district the question of whether the board shall be authorized to issue bonds to a certain amount, not to exceed three per cent (3%) of the per centum of the assessed value of the taxable property in such district, and bearing a rate of interest not exceeding six per cent (6%), for the purpose of purchasing fire equipment, necessary lands, erecting buildings for fire purposes, a-

Issuance of bonds.

Amount, limitation of.

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quiring a water supply, purchasing or otherwise acquiring or constructing a water system and establishing pipe lines. No such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue. Such bonds may be either amortization or serial bonds, but shall not extend over a longer term than ten years.

Maturity of bonds.

"(b) The board of directors of such fire district may contract with the council of any city or town lying within three (3) miles of the farthest limits of the district, for the extension of fire protection service by such city or town to property included within the district, and may agree to pay a reasonable consideration therefor, provided that the owners of ten per cent (10%) of the taxable value of the property in any fire district may elect either to make a contract with the city fire department for fire protection or to be included in the fire district."

Contract for municipal fire protection.

Section 4. If any section, provision, clause or phrase of this Act be adjudged unconstitutional or invalid by any court, for any reason, such adjudication shall not affect the validity of this act as a whole, or of any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Separability of act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 27, 1947.

CHAPTER 98

An Act Directing the State Board of Examiners to Issue State Insane Hospital Bonds of the State of Montana Under the Provisions of Chapter 182 of the Laws of 1945, of the State of Montana Which Law Was Submitted to the Vote of the Electors of the State at the Last General Election and Received a Majority of the Votes Cast for and Against It at Said Election, and Which Law Provides That Moneys Derived From the Sale of Said Bonds Shall Be Used for the Purpose of Constructing, Repairing and Equipping Necessary Buildings, for Other Permanent Improvements, and for Acquiring Necessary Grounds Therefor, at the Montana State Hospital for the Insane and for Acquiring of

Preamble (first).

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Such Farm Lands as May Be Necessary to Be Used in Connection Therewith and for the Support Thereof; Provided, However, That Nothing Herein Contained Shall Compel the Expenditure of the Funds Derived From the Sale of Said Bonds at Any Certain Site; and Provided Further, That Said Funds May Be Used for the Construction, Repairing and Equipping of Buildings on Any Site at Present Owned or Which May Hereafter Be Acquired by the State of Montana for the Establishment and Maintenance of a State Hospital for the Insane, or Separate Units Thereof; and Appropriating the Moneys Derived From the Sale of Said Bonds to the Purposes Provided in Chapter 182 of the Laws of 1945, State of Montana.

Whereas, Chapter 182 of the Laws of 1945 of the State of Montana Was Duly Submitted to the People of the State Under the Provisions of the Constitution and Laws of the State of Montana Applicable Thereto, at the General Election Held November 5, 1946, and Received the Favorable Vote or More Than a Majority of the Votes Cast for and Against It at Said Election; and

Preamble (second).

Whereas, Said Chapter 182 Authorizes and Empowers the Legislative Assembly of the State of Montana to Direct the State Board of Examiners to Issue Bonds in the Name of the State of Montana, in a Sum Not Exceeding Two Million ($2,000,000.00) Dollars in Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Purpose of Constructing, Repairing and Equipping Necessary Buildings, for Other Permanent Improvements and for Acquiring Necessary Grounds Therefor, at the Montana State Hospital for the Insane and for Acquiring of Such Farm Lands as May Be Necessary to Be Used in Connection Therewith and for the Support Thereof; Provided, However, That Nothing Therein Contained Shall Compel the Expenditure of the Funds Derived From the Sale of Said Bonds at Any Certain Site; and Provided Further, That Said Funds May Be Used for the Construction, Repairing and Equipping of Buildings on Any Site at Present Owned or Which May Hereafter Be Acquired by the State of Montana for the Establishment and Maintenance of a State Hospital for the Insane, or Separate Units Thereof, Therefore:

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Be it enacted by the Legislative Assembly of the State of Montana:

State insane hospital bond, issue and sale of, authorized.

Section 1. That the state board of examiners of the State of Montana is hereby authorized and directed to issue and sell, under the provisions of Chapter 182 of the laws of 1945, of the State of Montana, two million ($2,000,000.00) dollars state insane hospital bonds of the State of Montana. The moneys to be derived from the sale of said bonds shall be expended for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements, and for acquiring necessary grounds therefor, at the Montana state hospital for the insane and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof; provided, however, that nothing herein contained shall compel the expenditure of the funds derived from the sale of said bonds at any certain site; and provided further, that said funds may be used for the construction, repairing and equipping of buildings on any site at present owned or which may hereafter be acquired by the State of Montana for the establishment and maintenance of a state hospital for the insane, or separate units thereof; and such proceeds are hereby appropriated for such purposes. Such bonds shall become due and payable serially over a period of not to exceed ten (10) years from the date of issuance of said bonds. And the state board of examiners may issue all of said bonds at one time or in series from time to time as it may deem for the best interests of the state.

Purposes for which money to be expended.

Proviso relating to site.

Maturity of bonds.

Budget act not applicable.

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 99

An Act to Amend Section 1 of Chapter 149 of the Laws of the Twenty-Seventh Legislative Assembly of 1941, Relating to Apprenticeship Council.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 149 of the Laws of the Twenty-Seventh Legislative Assembly of 1941, be and the same is hereby amended to read as follows:

"Section 1. **Apprenticeship Council.**

Apprenticeship council to be appointed.

(a) The commissioner of the department of agriculture, labor and industry shall appoint an apprenticeship council, composed of three (3) representatives each from employer and employee organizations respectively. The terms of office of the members of the apprenticeship council first appointed by the commissioner of the department of agriculture, labor and industry shall be as follows: One (1) representative each of employers and employees shall be appointed for one (1) year, two (2) years, and three (3) years respectively. Thereafter, each member shall be appointed for a term of three (3) years. Each member shall hold office until his successor is appointed and has qualified, and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall be ex-officio members of said council without vote.

Members and term.

Ex-officio members.

Duties of council in general.

(b) Subject to the approval of the federal committee on apprenticeship, the apprenticeship council shall: (1) establish standards for apprenticeship agreements in conformity with the provisions of this act; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this act; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report through the commissioner of the department of agriculture, labor and industry of its activities and findings to the legislature which shall be made available to the public.

Acceptance of funds from named sources authorized.

(c) *The council may accept from the federal government or any agency thereof or from any state agency, any funds made available to carry out purposes within the scope of the activities and purposes of the apprenticeship council and to use such funds as said council may direct, for the purposes for which said funds are made available.*"

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 27, 1947.

CHAPTER 100

An Act Relating to Storm and/or Sanitary Sewerage Systems and Sewage Treatment and Disposal Plants; Authorizing Cities and Towns to Establish, Build, Construct, Reconstruct and/or Extend Such Systems and Plants; and to Raise Moneys Therefor By Issuing Revenue Bonds; to Maintain and Operate the Same; to Collect Rates, Charges or Rentals for the Facilities and Benefits So Furnished and to Use and Apply Moneys So Collected to Pay the Costs of Operation, Maintenance, Building, Construction, Reconstruction or Extension and For the Payment of Such Bonds; and Amending Chapter 149 of the Laws of the Twenty-Eighth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 149 of the Session Laws of the Twenty-Eighth Legislative Assembly of the State of Montana, 1943, be and the same is hereby amended to read as follows: Sec. 1, Ch. 149 laws of 1943 amended.

"Section 1. **Cities** *and Towns* **May Establish Sewers.** Any city *or town* may when authorized so to do by a majority vote of the qualified electors voting at an election held for that purpose, *establish,* build, *construct, reconstruct and/or extend a storm and/or sanitary sewerage system and/or a plant or plants for treatment or disposal of sewage therefrom and may operate and maintain such facilities* for public use, and in addition to all other powers granted to it, *such municipality* shall have authority, by ordinance duly adopted by the governing body to charge just and equitable rates, charges or rentals for *the services and benefits directly or indirectly furnished thereby.* Such *rates,* charges *or rentals* shall be as nearly as possible equitable in proportion to the services *and benefits* rendered, and *may* take into consideration the quantity of sewage pro- Cities and towns may establish sewers. Rates, charges or rentals.

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duced and its concentration *and* water, pollution qualities in general and the cost of its disposal. The charges *may* be fixed on the basis of water *consumption* or any other equitable basis *the* governing body may deem appropriate and, if the *governing body determines that the sewage treatment prevents pollution of sources of water supply, may be established as a surcharge on the water bills of water consumers or on any other equitable basis of measuring the use and benefits of such facilities and services.*

"Qualified electors" defined.

"In this Act 'qualified electors' shall mean registered electors of the municipality whose names appear upon the last preceding assessment roll for state and county taxes as tarpayers upon property within the municipality. The question of building, constructing, reconstructing or extending the system, plant or plants and the question of issuing and selling revenue bonds for such purpose may be submitted as a single proposition or as separate propositions. Any election under this Act may be called by a resolution of the governing body which it may adopt without being previously petitioned to do so."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 101

An Act to Amend Section 10400.22 of the Revised Codes of Montana, 1935, Relating to Inheritance Tax, Appraisal at Clear Market Value at Time of Death of Transferor, Time of Appraisal, Computing Value of Future Interests, Making Act Retroactive, and Repealing Acts or Parts of Acts In Conflict.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10,400.22 R. C. M. amended.

Section 1. That Section 10400.22 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 10400.22. **Appraisal at Clear Market Value** *at Time of Death—Time of Appraisal—Computing Value*

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of Future Interests. Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed, such property shall be appraised at its clear market value *existing at the date of death of the transferor, which appraisement shall be made* as soon thereafter as practicable. The value of every future or limited estate, income, interest, or annuity dependent upon any life or lives in being, shall be determined by the rule, method, and standard of mortality and value employed by the commissioner of insurance *of the State of Montana*, in ascertaining the value of policies of life insurance and annuities for the determination of liabities of life insurance companies, except that the rate of interest for making such computation shall be five per cent (5%) per annum. The tax so determined shall be construed to be upon the transfer of a proportion of the principal or corpus of the estate equal to the present value of such future or limited estate, income, interest or annuity, and not upon any earnings or income of said property produced after death. Such tax shall be due and payable forthwith, except as otherwise provided in this Act."

Appraisal at clear market value at time of death.

Time of appraisal.

Computing value of future interests.

Section 2. *This Act is hereby declared to be retroactive and shall apply to all estates where the decedent died on or after the first day of June, 1945, and which estates remain undistributed on the date when this Act is passed and approved.*

Application of act.

Section 3. This act shall be in full force and effect from and after its passage and approval

Effective date.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 27, 1947.

CHAPTER 102

An Act to Amend Section 1622 of the Revised Codes of Montana of 1935, Relating to the Powers and Duties of County Commissioners Respecting Highways, By Changing Subsection II thereof to Increase the Per Diem of Road Builders.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec 1622 R. C. M. amended.

Section 1. That Section 1622 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Powers and duties of county commissioners respecting highways.

"1622. **Powers and Duties of County Commissioners Respecting Highways.** The boards of county commissioners of the several counties of the state have general supervision over the highways within their respective counties.

Road districts.

1. They may, in their discretion, keep the county divided into suitable road districts, place each of such road districts in charge of a competent road supervisor, and order and direct each of such supervisors concerning the work to be done upon the public highway in his district.

Plat books.

2. They may, in their discretion, provide and order the county surveyor, or if the county surveyor is incompetent, some other competent surveyor designated by the board, to prepare suitable plat books and have recorded therein with the county clerk a full description of every public highway within the county, showing each course by bearing and distance, with a full and complete map thereof, together with a record of all other proceedings with reference to the same.

Highways and guide posts.

3. They must cause to be surveyed, viewed, laid out, recorded, opened, worked, and maintained such highways as are necessary for public convenience as in this act provided, and cause to be erected and maintained thereon guide-posts, as provided in this act.

Abandonment of highways.

4. They must abolish or abandon in the manner provided in this act such public highways as are not necessary for the public convenience.

Acquisition of right of way.

5. They must contract, agree for, purchase, or otherwise lawfully acquire the right of way over private property for the use of public highways, and for that purpose institute, when necessary, proceeding under Sections 9933 to 9958 of the Code of Civil Procedure, paying for such right of way from the general road fund of the county; provided, however, where roads or trails are or will be dedicated to public use as a highway they may construct and maintain thereon substantially constructed cattle guards, appurtenances, and gates adjacent thereto.

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Issuance of bonds.

6. They may, in their discretion, but subject to the limitation and provisions in the constitution and codes provided, issue bonds upon the faith and credit of the county for the construction or improvements of main highways, state highways, and bridges.

Contract for construction, maintenance and improvement.

7. They may, in their discretion, but subject to the limitation and restriction provided in the codes for the letting of public contracts, let out by contract the construction, maintenance, and improvement of the public highways, and the construction, maintenance, or repairs of bridges when the amount of work to be done exceeds the sum of one thousand ($1,000.00) dollars.

General authority.

8. They may, in their discretion, cause to be done whatever may be necessary for the best interests of the roads and road districts of their several counties.

Traffic limitation.

9. They may limit or forbid, temporarily, any traffic or class of traffic, on the public highways or any part thereof, when in their discretion it is necessary that traffic be so restricted in order to preserve or repair such highways.

Reports to state highway commission.

10. They must make such reports, relating to the state roads under their supervision, to the state highway commission as may be requested by said commission.

Employment of road builder.

11. They may, in their discretion, employ a competent road builder, who shall be paid for his services *as such* not to exceed *twelve ($12.00) dollars* per day *and in proportion for parts of days*, and his actual expenses, who shall serve during the pleasure of the board, whose duty it shall be, under the direction and control of said board, to prescribe the *times* and *places*, when and where, all work shall be done on the roads of the county, report any delinquency or inefficiency of any road overseer, or any other person employed upon *any* such road, to the board of county commissioners, and perform such other duties as may be prescribed by said board. *Provided, that in counties where the surveyor is not paid an annual salary, he may by agreement be employed by the county commissioners to perform the services of road builder and such county surveyor shall be paid for such services as above provided. Provided, that no county surveyor shall be paid hereunder for any duty otherwise required by law to be performed by him as county surveyor.* Provided, however, that nothing in this act shall be construed to

County surveyor, employment of as road builder.

Proviso.

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alter or repeal the provisions of Sections 1622.1 and 1622.2."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 27, 1947.

CHAPTER 103

An Act Creating a Division of the State Hospital to Be Known as the State Department of Mental Hygiene; Designating the Director and Staff Thereof; Defining the Powers and Duties Thereof and Providing That Such Department Shall Be Responsible for the State's Mental Health Program and May Accept Grants From the United States and Other Agencies.

Be it enacted by the Legislative Assembly of the State of Montana:

State department of medical hygiene created.

Section 1. There is hereby created a separate division of the state hospital to be designated as the state department of mental hygiene.

Director and staff.

Section 2. The superintendent of the state hospital shall act as the director of said department and shall have immediate supervision over the operation thereof. In addition to the director, the staff of said department shall consist of the assistant superintendent of the state hospital, such medical assistants and other employees of the state hospital as may be designated by the director, and such other medical specialists, psychologists, and social workers as may be appointed either permanently or for temporary periods by the director with the approval of the state board of commissioners of the insane.

Responsibility and duties of.

Section 3. The state department of mental hygiene shall take cognizance of all matters affecting the mental health of the citizens of the State of Montana, and shall assume responsibility for the preventive mental hygiene activities and other activities of the state's mental health program. It shall make scientific and medical investigations relative to the incidence, cause, prevention, and

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cure of mental and nervous illnesses and shall collect and disseminate such information relating to mental hygiene as it considers proper for diffusion among the people. It shall prepare and submit plans for the development of mental health services in the state, and shall submit such plans to the surgeon general of the United States. It shall examine persons received into the state hospital and other persons who shall make application for examination, for the purpose of diagnosing and prescribing treatment of mental and nervous illnesses. It may establish and conduct temporary clinics in cities and towns in the State of Montana for the diagnosis of and prescription of treatment for mental and nervous illnesses of citizens of the state and for consultation with persons recuperating from mental or nervous illnesses and with the families of such persons, and for such purpose may rent office and clinical space in such cities and towns. The state department of mental hygiene is hereby authorized and empowered to receive from the United States, or agencies thereof, and from other agencies within and without the state, such grants or sums of money as may hereafter be allocated from the United States or agencies thereof, or from other agencies, to the state department of mental hygiene of Montana for the development of mental hygiene services within the state; and to use such monies so received and other funds made available to such department, in the conduct of its operations and for the purchase of supplies, equipment and transportation units necessary to carry out the provisions of this act.

Temporary clinics.

Grants from named sources, authority to receive.

Use of monies so received.

Approved February 27, 1947.

CHAPTER 104

An Act Authorizing and Empowering Boards of County Commissioners to Become Members of and to Cooperate With Associations and Organizations of Other Counties or County Officials of This and Other States for the Furtherance of Good Government and Protection of County Interests and to Pay for Membership Therein With County Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The boards of county commissioners of

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County associations, county membership in.

the several counties of the State of Montana are hereby authorized and empowered to take out county membership in and to cooperate with associations and organizations of other counties or county officials of this state and of other states for the furtherance of good government and the protection of county interests and to pay for such membership in such associations or organizations with county funds.

Effective date.

Section 2. This act shall be in full force and effect immediately upon its passage and approval.

Approved February 27, 1947.

CHAPTER 105

An Act to Amend Section 3696.4 of the Revised Codes of Montana, 1935, as Amended By Chapter 96, Laws of 1943, Relating to the Open Season For Elk in Park County and Authorizing the Fish and Game Commission to Shorten the Season.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3696.6 R. C. M. as amended further amended.

Section 1. That Section 3696.4 of the Revised Codes of Montana, 1935, as amended by Chapter 96, Laws of 1943, be and the same is hereby amended to read as follows:

Open season for elk in Park county, authority of fish and game commission to shorten.

"Section 3696.4. **Open Season for Elk in Park County —Authority of Fish and Game Commission to Shorten.** That the open season for elk in Park county, Montana, shall begin October 15 and end *January 31,* both dates inclusive; provided, however, that the Montana state fish and game commission shall, in its discretion have power to shorten such season in said territory *after sufficient elk have been killed* and declare said territory closed to the hunting or killing of elk at any time during the open season therein upon giving no less than *two* days' notice thereof, by publishing such notice in at least one newspaper of general circulation, circulated in said county, which said publication shall be at least *two* days prior to the time fixed by such commission for the closing of such season. In addition to publishing notice, announcement shall also be given over the radio and notices shall be posted on the Gardiner and Jardine roads in at least four places where they are plainly visible to all travelers."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 27, 1947.

CHAPTER 106

An Act to Amend Sections 927 and 928 of the Revised Codes of Montana, 1935, as Amended By Chapter 142 of the Session Laws of Montana, 1943, Relating to the Objects, Control and Management of the State Normal College of Dillon, and to a Department for Exceptional Children Therein to Eliminate Such Department, and to Repeal Sections 3, 4, 5 and 6 of Chapter 142 of the Laws of the Twenty-Eighth Legislative Assembly of Montana, 1943.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 927 of the Revised Codes of Montana, 1935, as amended by Chapter 142 of the Montana Session Laws of 1943, be and the same is hereby amended to read as follows: Sec. 927 R. C. M. as amended further amended.

"927. **Object of School.** The object of said normal school shall be the instruction and training of teachers for the public schools of the State of Montana, inclusive of all grades and departments." Object of school.

Section 2. That Section 928 of the Revised Codes of Montana, 1935, as amended by Chapter 142 of the Montana Session Laws of 1943, be and the same is hereby amended to read as follows: Sec. 928 R. C. M. as amended further amended.

"928. **Control and Management.** The control and management of the state normal college *are* vested in the state board of education and in a local executive board." Control and management.

Section 3. Sections 3, 4, 5 and 6 of said Chapter 142 be and the same are hereby repealed. Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1947.

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CHAPTER 107

An Act to Amend Sections 1, 3 and 4 of Chapter 172 Montana Session Laws of 1945, Relating to the Accumulating and Providing of Post-War Funds By Cities and Towns For the Improvement, Repair and Maintenance of Public Streets, Alleys and Ways for the Purpose of Releasing Said Funds and Making Said Chapter Effective Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Sections 1, 3 and 4 of Chapter 172 Montana Session Laws of 1945, be, and the same are hereby amended to read as follows:

Special tax by cities and towns to provide post war funds authorized.

"Section 1. For the purpose of accumulating and providing post-war funds for the construction, improvement, repair and maintenance of public streets, avenues, alleys and ways, the council or commission of each city and town in this state may, in their discretion, levy and cause to be collected, during each or either of the fiscal years beginning July 1, 1945 and ending June 30, 1946, and beginning July 1, 1946 and ending June 30, 1947, a special tax upon the taxable property in the city or town

Amount of levy.

of not more than five (5) mills on the dollar, which shall be payable to the city or town treasurer with other taxes, which levies shall be in addition to all other levies now authorized by law to be made for street purposes. All moneys derived from such levies shall be placed in a

Special street fund.

special street fund and shall be kept separate from all other street fund moneys.

Expenditures from special fund, when.

"Section 3. No expenditures for any purpose whatever shall be made from such special street fund until after *April 1, 1947.* The city or town council or commission of any city or town having such fund may thereafter

For what purpose.

provide for the expenditure thereof for the purpose of constructing, improving, repairing and maintaining the public streets, avenues, alleys, and ways of the city or town; provided that no expenditure in excess of ten thousand dollars ($10,000.00) for any single purpose as defined in Section 4630.2, Revised Codes of Montana, 1935, shall

Approval of electors required, when.

be made from such fund without the approval of a majority of the electors of the city or town voting on the question of such expenditure at an election to be provided by law.

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"Section 4. *After April 1, 1947,* the council or commission of any city or town having such special street fund *may* adopt a budget making appropriations therefrom for the construction, improvement, repair and maintenance of the public streets, avenues, alleys and ways in the city or town for the remaining portion of the then current fiscal year, notice thereof being given, hearing thereon had and such budget adopted in manner provided for emergency budgets by Section 5083.8, Revised Codes of Montana, 1935, as amended by Chapter 53, Session Laws, 1943; for each fiscal year thereafter when any moneys are to be expended therefrom, the city or town budget shall contain and set forth in the annual budget a separate section as a budget for such special street fund, and all of the provisions of the city budget law shall apply thereto; provided, however, that at any time after the close of the fiscal year ending June 30, 1947, the council or commission may in their discretion, instead of providing a separate budget for the expenditure of any moneys then in such special fund, transfer the same to the street fund.

Budget required.

"Section 5. *All provisions herein shall be deemed and held valid notwithstanding the provisions of the budget act.*"

Budget act not applicable.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

CHAPTER 108

An Act to Amend Section 4465.28 of the Revised Codes of Montana, 1935, to Change the Limit of a Levy For Disposal of Garbage and Ashes Within Garbage and Ash Collection Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465.28 of the Revised Codes of Montana, 1935, be and same is hereby amended to read as follows:

Sec. 4465.28 R. C. M. amended.

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Garbage and ash collection.

"4465.28. **Garbage and Ash Collection—Tax.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To create, abolish and change garbage and ash collection districts in thickly settled areas *outside of the limits of incorporated cities and towns.* Such districts shall be created under rules to be promulgated by said board, which rules shall provide for petition on the part of a majority of taxpayers residing within such areas, for the survey of proposed districts by the county health officer as to bounderies and methods for disposal of garbage and ashes within such districts. When such a district has been created under the authority of this section

Tax authorized.

the county commissioners shall be authorized and empowered to levy not to exceed *five (5) mills* on the taxable property within such district for the maintenance and support thereof *and for the purchase or leasing of land necessary for said purpose.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1947.

CHAPTER 109

An Act to Amend Sections 14 and 17 of Chapter 37 of the Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to Disability Retirement Allowance and Providing For Retirement of a Montana Highway Patrolman When Totally and Permanently Disabled; Relating to Refunds to Montana Highway Patrolmen In Cases of Resignation or Discharge; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 14, Ch. 37 laws of 1945 amended.

Section 1. That Section 14 of Chapter 37 of the twenty-ninth legislative assembly, 1945, be and the same is hereby amended to read as follows:

Disability retirement allowance.

"Section 14. **Disability Retirement Allowance.** In case of the total disability of a contributor, permanent in character, regardless of the length of service of the contributor, a disability retirement allowance shall be

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granted the contributor in an amount calculated on the actuarial equivalent of the member's annuity and the state annuity standing to his credit at the time of his disability retirement; *provided that if such total disability is a direct result of any service to the Montana highway patrol in line of duty, then such patrolman who is totally and permanently disabled shall be retired on total retirement allowance of one-half his average final salary regardless of his length of service.*"

Proviso, relating to employees in service of Montana highway patrol.

Section 2. That Section 17 of Chapter 37 of the Laws of the twenty-ninth legislative assembly, 1945, be, and the same is hereby amended to read as follows:

Sec. 17, Ch. 37 laws of 1945 amended.

"Section 17. **Refunds in Case of Resignation or Discharge.** Where a contributor resigns of his own volition, or is discharged for cause before becoming entitled to a retirement allowance, then *seventy-five per cent (75%) of* the accumulated deductions standing to his credit shall be paid to him."

Refunds in case of resignation or discharge.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

CHAPTER 110

An Act to Repeal Section 3300 of the Revised Codes of Montana of 1935, Relating to the Venting of Brands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3300 of the Revised Codes of Montana of 1935, be, and the same is hereby repealed.

Sec. 3300 R. C. M. repealed.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

CHAPTER 111

An Act to Amend Section 2081, Revised Codes of Mon-

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tana, 1935, Prescribing the Levy to Be Made Against Livestock By the State Board of Equalization For the Purpose of Paying Bounties On Wild Animals and For All Other Means of Predatory Animal Control, Prescribing That the Proceeds of Said Levy Shall Be Deposited In the State Bounty Fund, and Prescribing the Purposes For Which the Proceeds of Said Fund Shall Be Expended By the Montana Livestock Commission, and For the Approval of Claims For Said Expenditures By Said Commission and By the State Board of Examiners.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2081 R. C. M. amended.

Section 1. That Section 2081, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"2081. The state board of equalization *of the State of Montana* shall, *under the authority of Section 9, Article XII of the Constitution of Montana, and hereby,* annually prescribe, *make and levy an ad valorem tax on all livestock in the State of Montana for the purpose of protecting such livestock by all means of effective predatory animal destruction, extermination and control, including systematic hunting, trapping in planned campaigns, or otherwise, and payment of bounties, against destruction, depredation and injury by wild animals, whether on lands in private ownership, in the ownership of the state, or in the ownership of the United States, including open ranges and all lands in or of the public domain. The tax levy* shall not exceed in any one (1) year *(a)* one and one-half (1½) mills on the assessed valuation of all sheep, and *(b)* one (1) mill on the assessed valuation of other livestock. *The monies received from such tax levies shall be transmitted monthly with other taxes for state purposes, by the county treasurer of each county, to the state treasury, and be by the state treasurer placed in and to the credit of the state bounty fund (with other monies in that fund under the provisions of Section 3414, Revised Codes of Montana, 1935) and such monies shall thereafter be paid out only on claims duly and regularly presented to the Montana livestock commission, and thereafter to the state board of examiners, and approved, in turn, by each said commission and said board, in accordance with the law applicable either to claims for bounties, when such claims are approved, or to claims for other expenditures*

Tax to be levied annually by state board of equalization on livestock for destruction and control of predatory animals.

State bounty fund.

Claims for bounties.

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necessary and proper for predatory animal control by other means and methods than payment of bounties, as may be determined by the Montana livestock commission. All the monies in said state bounty fund shall be available for the payment of bounty claims and for expenditures in and for planned, seasonal, or other campaigns directed, or operated by the commission in co-operation with other agencies, for the systematic destruction, extermination and control of predatory wild animals, as may be determined by the commission and the advisory committee thereto. No claims against the bounty fund shall be approved in excess of monies in the fund, and no warrants shall be registered against such fund."

Purpose for which fund is available.

Limitation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1947.

CHAPTER 112

An Act to Repeal Section 3417.4, Revised Codes of Montana, 1935, Relating to the Payment of Bounties on Wolves, Coyotes and Mountain Lions.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3417.4, Revised Codes of Montana, 1935, shall be and the same is hereby repealed.

Sec. 3417.4 R. C. M. repealed.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after July 1, 1947.

Effective date.

Approved February 28, 1947.

CHAPTER 113

An Act to Amend Section 3417.2, Revised Codes of Montana, 1935, Relating to the Duties of the Montana Livestock Commission to Supervise the Destruction of Wild Animals Inimical or Harmful to Livestock, to Cooperation by Said Commission With Federal Agencies, Other State Agencies and Others, to the Appointment

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By the Governor of An Advisory Committee to Formulate Plans For Predatory Animal Control Throughout the State of Montana and Act In An Advisory Capacity to the Said Montana Livestock Commission, the State Fish and Game Commission, and to County Governments and Local Voluntary Organizations, Engaged In Predatory Animal Control, to Provide For and Authorize the Expenditure of All Funds Available From All Sources to the Montana Livestock Commission For Predatory Animal Control, and to Prohibit Expenditures By Said Montana Livestock Commission In Excess of the Aggregate of Such Funds and to Prohibit the Approval of Claims or Registration of Warrants In Excess of Such Funds, Whether For Payment of Bounties, or For Payment of Expenses of Conducting and Carrying Out Predatory Animal Control By Any Other Methods In the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3417.2 R. C. M. amended.

Section 1. That Section 3417.2, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

"Section 3417.2. *(a) The destruction, extermination and control of wild animals, including wolf, wolverine, coyote, mountain lion, lynx, cougar, bobcat and any other wild animals predatory in nature and causing, or capable of causing the killing, destruction, maiming or injury of domestic livestock of all species, and of domestic poultry of all varieties, or depredations thereon, shall, as respects the protection and safeguarding of all said livestock and poultry in the state, against all depredations from such animals, be conducted in the state and carried out by the Montana livestock commission which is hereby charged with the primary duty and responsibility of formulating practical programs for accomplishing said objectives in all areas of Montana, and of carrying out such programs in an efficient and practical manner, responsive to the need for control in each area of the state. The said commission shall adopt such standing rules and regulations, within the purview of the authority vested in it by the statutes of the State of Montana applicable to predatory animal control, as are necessary and proper for the systematic destruction of said wild animals by hunting, trapping and poisoning operations, and payments of bounties,*

Montana livestock commission charged with responsibility for extermination and control of predatory animals.

Rules and regulations to be adopted.

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and the commission shall, from time to time, issue, modify, amend or repeal field, area, range, or other orders and instructions, including orders and instructions to hunter and trapper personnel and others, as may be appropriate in the various areas, at different seasons of the year, and with reference to the habits, presence, migrations or movements of such animals, and their attacks on livestock and poultry, either singly or in packs or bands. The said commission is hereby expressly authorized, empowered and directed to co-operate with the duly authorized representatives of the United States, including its Biological Survey, its Fish and Wild Life Service, with the state fish and game commission of the State of Montana, and with boards of county commissioners in the several counties of the state, and with voluntary associations of stockgrowers, sheepgrowers, ranchers, farmers and sportsmen, and with corporations and individuals, in the systematic destruction of said wild animals by hunting, trapping and poisoning operations.

Orders and instructions.

Cooperation with named agencies.

"(b) The governor shall appoint an advisory committee, composed of one (1) representative of each, the Montana Woolgrowers' Association, the Montana County Commissioners' Association, the Montana Stockgrowers' Association, the Montana Federated Wildlife Clubs, and the state fish and game warden, which advisory committee shall consult with and advise the Montana livestock commission, the state fish and game commission, and county and local predatory animal control organizations in all matters pertaining to their activities hereunder and under any other laws of this state applicable to predatory animal control, and develop and formulate plans for effective predatory animal extermination and controls throughout the state, and advise with respect to the expenditure of all monies for the control of such animals by each said agencies, organizations and persons. The secretary of the Montana livestock commission shall be ex-officio, secretary of said advisory committee, and the committee shall elect one (1) of its members chairman thereof. The committee shall meet on five (5) days' notice, at the call of its chairman, or at request of any two members, or at the request of the Montana livestock commission.

Advisory committee, appointment and composition of.

Duty of

Chairman.

Meetings.

"(c) Subject to the constitutional authority of the state board of examiners, the Montana livestock commission shall have, and it is hereby invested with control and

State bounty fund supervision of.

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supervision of the state bounty fund, and it shall administer and expend for predatory animal extermination and control, in protection of livestock and poultry in the State of Montana all the monies that are or may be made available to it in said fund, including the monies from the levy under Section 9 of Article XII of the Constitution of Montana and Section 2081, Revised Codes of Montana, 1935, enacted pursuant to such provision of the constitution, and also such monies as are made available to said commission by appropriations made by the legislative assembly for predatory animal control by said commission.

Expenditures, for what purposes.

The commission shall expend said funds for predatory animal control by all effective means, including employment of hunters, trappers and other personnel, procurement of traps, poisons, equipment and supplies, and, also, for the payment of bounties within the sound discretion of the commission, as advised by the advisory agencies aforesaid, and responsive to the necessities of control in various areas of the state.

Limitation.

The commission shall not consider or approve any claims against said state bounty fund, or against additional funds available to it, in excess of the amounts available in any biennium, and no warrants shall be issued or registered for any such claims whether for bounties or for any other purposes.

Application of act.

"(d) Nothing herein contained shall be construed to interfere with or impair the power and duties of the state fish and game commission in the control of predatory animals by said commission as authorized by law, nor the obligation of said commission to expend its funds in co-operation with the Montana livestock commission, for predatory animal control as required by law, provided that all funds of the state fish and game commission for such co-operative predatory animal control shall be administered and expended by the state fish and game commission."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith shall be, and the same are hereby repealed.

Approved February 28, 1947.

CHAPTER 114

An Act to Amend Section 8814, Revised Codes of Montana,

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1935, Relating to Salaries of District Judges and Providing For An Increase in Such Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 8814 of the Revised Codes of Montana of 1935 be, and the same is hereby amended to read as follows: Sec. 8814 R. C. M. amended.

"Section 8814. **Salaries of District Judges.**

The annual salary of each district judge shall be *six thousand ($6,000.00) dollars.*" Salaries of district judges.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1947.

CHAPTER 115

An Act to Amend Section 866 of the Revised Codes of Montana of 1935, Relating to Attendance of Selected and Approved Non-resident Students to Attend the Units of the University of Montana Without Payment of Non-resident Tuition.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 866 of the Revised Codes of Montana of 1935 be amended to read as follows: Sec. 866 R. C. M. amended.

"866. Tuition shall ever be free to all students who shall have been residents of the state for *not less than* one year next preceding their admission *in any unit of the university of Montana,* except in the law and *medicine* departments and for extra studies. The state board of education may prescribe rates for tuition for students *enrolled* in the law department *or for extra studies and for students who have not been residents of the state for at least one year preceding enrollment. The state board of education is authorized to waive, at its discretion, non-resident tuition for selected and approved non-resident students. The number for whom tuition may be waived at any unit of the university shall not exceed in number two per cent (2%) of the total number of students enrolled at the unit; provided that no non-resident student may be admitted to the exclusion of any resident student.*" Tuition free to what students. Exceptions. Rates of tuition, power of state board of education with respect to.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 116

An Act to Amend Section 21 of Chapter 227 of the Session Laws of Montana, 1943; Relating to Salaries of Chief Probation Officers and Deputy Probation Officers, to Increase Such Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 21, Ch. 227 laws of 1943 amended.

Section 1. That Section 21 of Chapter 227 of the Session Laws of Montana, 1943, be and the same is hereby amended to read as follows:

Probation officers, appointment of.

"Section 21. **Probation Officers; Appointments; Removal; Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters shall appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed *three thousand dollars ($3,000.00)*, or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of the said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county. In the absence of such appointment of chief probation officer, it shall be the duty of the sheriff of the county to perform all the duties of the chief probation officer in this act enumerated without additional compensation, as directed by the court.

Salary.

Apportionment of salary.

Sheriff to perform duties of chief probation officer, when.

"The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy

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probation officers and stenographers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed *two thousand one hundred dollars ($2,100.00)* per year."

Deputy probation officers and stenographers.

Salaries.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

CHAPTER 117

An Act to Amend Section 591, Revised Codes of Montana, 1935, as Amended by Chapter 49, Montana Session Laws of 1945, Relating to the Compensation of Election Officers, Increasing Such Compensation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 591, Revised Codes of Montana, 1935, as amended by Chapter 49, Montana Session Laws of 1945, be and the same is hereby amended to read as follows:

"Section 591. **Compensation of Election Officers.** The compensation of members of boards of election, including judges and clerks, is hereby fixed at sixty-five cents (65c) per hour for the time actually on duty, and must be audited by the board of county commissioners and paid out of the county treasury."

Compensation of election judges and clerks.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1947.

CHAPTER 118

An Act Designating the Salary of the Adjutant General of the State of Montana, Increasing the Salary of Such Officer From Three Thousand ($3,000.00) to Four Thousand Two Hundred ($4,200.00) Dollars Annually,

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and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Salary of adjutant general.

Section 1. The annual salary of the adjutant general of the State of Montana shall be four thousand two hundred dollars ($4,200.00).

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval, but nothing contained herein shall be construed to or shall in any manner effect an increase of the salary or emolument of the public officer who is adjutant general at the date this act goes into effect, such official being entitled to the same salary he is receiving at the date this act takes effect for the remainder of the term for which he was appointed. If a vacancy occasioned by death, resignation, or otherwise should occur in the office of adjutant general after this act takes effect the person elected or appointed to fill such vacancy shall be entitled to receive the salary therefor set out in Section 1 of this act.

Act not applicable to present encumbent during term of his appointment.

Approved February 28, 1947.

CHAPTER 119

An Act to Amend Section 3661 of the Revised Codes of Montana, 1935, as Amended By Chapter 216, Laws of 1943, Relating to the Appointment of Deputy Fish and Game Wardens; Providing For the Removal, Rating, Salary and Expenses of Deputy and Special Deputy Fish and Game Wardens and Providing For the Appointment of a Chief Deputy Fish and Game Warden.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3661 R. C. M. as amended further amended.

Section 1. That Section 3661, Revised Codes of Montana, 1935 as amended by Chapter 216, Laws of the Twenty-eighth Legislative Assembly of Montana be, and the same is hereby amended to read as follows:

Power of commission with respect to deputies.

"Section 3661. The state fish and game commission shall have the power to remove, suspend without pay, to reduce in rank, to act as a trial board in hearing and pass-

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ing upon charges against deputy state fish and game wardens, and to rate all such deputies on the basis of merit and efficiency, in accordance with such rules and regulations as it may adopt to secure a proper rating of deputy state fish and game wardens or to carry out the provisions of this section. The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ a chief deputy fish and game warden, who shall have previously served as a deputy fish and game warden, or who has had several years' experience in wildlife management, who shall be a peace officer and hold his office for such time as the warden may direct, and who may be removed from office by said state fish and game warden at any time for cause after due hearing before said commission. The chief deputy fish and game warden shall have the same powers and duties as a deputy game warden as provided by law and in addition shall serve as acting state fish and game warden in the absence of said warden and shall maintain his office in the fish and game department office at the seat of the state government. *The salary of deputy state fish and game wardens shall be fixed by the commission, with the approval of the state board of examiners, provided that the base salary for regular deputy game wardens shall be one hundred and seventy-five ($175.00) dollars per month and the base salary for special deputy game wardens shall be one hundred and fifty ($150.00) dollars per month.* Deputy state fish and game wardens shall not be removed unless furnished with a reason for removal and given a hearing in his own defense. *Special deputy game wardens may be employed on a seasonal or other basis to serve at pleasure of the state fish and game commission.*

Appointment of chief deputy warden.

Qualification, powers and duties of.

Salaries.

Each deputy state fish and game warden shall be allowed his actual and necessary traveling expenses while away from his place of residence upon official business connected with his office, not exceeding the sum of seven hundred fifty ($750.00) dollars per year, unless special work shall be ordered by the fish and game commission; said expenses to be approved by said state fish and game warden and to be paid upon proper voucher from the state fish and game fund."

Traveling expenses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 120

An Act to Amend Section 3777 of the Revised Codes of Montana, 1935, Relating to Permits For the Breeding and Propagating of Game Birds or Game Animals or Fur Bearing Animals, the Handling of Foundation Stock, Fees For Captured Stock, Right of Game Wardens to Inspect Farm and Stock, Exempting Certain Fox or Mink Farmers From the Provisions of This Act Except as to Certificates of Identification, and Providing Penalties For Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3777 R. C. M, amended.

Section 1. That Section 3777, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Game and fur farm permit required, when

"Section 3777. Any person, or persons, *firm,* company or *corporation before engaging* in the business or occupation of propagating, owning and controlling *game animals,* game birds *or* fur bearing animals of the State of Montana, *shall first procure a game or fur farm permit from the state fish and game warden.*

Conditions for issuance of.

Such game or fur farm permit shall be issued to responsible applicants who own or lease the premises on which their operations are to be conducted, when such applicant has so fenced the place where such game or fur farm is located, with fencing material, approved by the state fish and game warden, so that no wild or public animal of like species can mix with those confined.

Fur farm, foundation stock for, how obtained.

Foundation stock for a far farm may be obtained from the state fish and game commission by a free permit authorizing game farm permit holders to capture a designated number of fur-bearing animals, with the exception of beaver or marten, for breeding stock, under such rules and regulations as the commission shall prescribe.

Sale of animals restricted

Such fur bearing animals captured under permit shall not be sold or pelted for the period of one (1) year after their capture and the skins or pelts of any fur bearing animals acci-

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dentally killed during their capture or for the period of one (1) year thereafter shall be turned over to the state fish and game warden.

Charge for capture of beaver and marten for fur farms.

A charge shall be made for the capture of each beaver or marten by fur farm permit holders for foundation stock, under authorization of the state fish and game warden, as follows:

Beaver—fifteen dollars ($15.00) each.
Marten—twenty-five dollars ($25.00) each.

Royalty tax on skins, pelts or products.

The skins, pelts or products of such game farm shall be subject to the same royalty tax and tagging as the skins or pelts of like wild animals.

Inspection of fur farms.

Each game farm or fur farm shall be open to complete inspection by the state fish and game warden or his deputies at any reasonable time, inclusive of the whole area thereof, all stock thereon, and all structures, pens, and other devices thereon.

Duration of permit.

Game farm or fur farm permits issued under the provisions of this Act shall be valid during the time such game or fur farm is operated and conducted according to law, provided that

Annual reports.

on or before January 31 of each year a report shall be submitted by the licensee to the state fish and game warden, showing the numbers and species of game or fur-bearing animals on hand on January 1, preceding, and the number and kinds of animals pelted, bought or sold during the year.

Entry of fur farm enclosure unlawful, when.

Any person or persons, *except as herein provided,* who, at any time, in any part of the State of Montana, without the consent of the owner or caretaker of any enclosure within which fur-bearing animals are kept for breeding purposes, and on the fence of which enclosure are kept posted notices forbidding trespassing on the premises where the said animals are kept, *which notices must be* plainly discernible at a distance of not less than twenty-five (25) yards therefrom, shall pass within the said fence or such enclosure or climb over, break or cut through the same for the purpose of entering the said enclosure, *etc.,* or for any other purpose whatsoever, shall be guilty of a *misdemeanor,* and liable to the penalty hereinafter provided.

Certificates of identification of fox and mink farms required, when.

Any person or persons, firm, company or corporation engaging in the business or occupation of fox or mink farming whose original foundation stock is or was not captured from the wild in the State of Montana shall apply

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for and be issued free of charge a numbered certificate of identification for such fur farm, which certificate shall be non-transferable and valid for the life of the business; provided, no other provisions of this section shall be construed to or shall in any manner affect such person, or persons, firm, company or corporation engaging in the business or occupation of fox or mink farming whose original foundation stock is or was not captured from the wild in the State of Montana.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 121

An Act to Amend Section 3708, of the Revised Codes of Montana, 1935, Relating to Alien Gun License.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3708 R. C. M. amended.

Section 1. That Section 3708, of the Revised Codes of Montana, 1935, be, and the same is amended to read as follows:

Gun license for aliens.

"3708. There is hereby created a gun license for aliens. No person not a bona fide citizen of the United States, shall own or have in his possession, in the State of Montana, any gun, pistol or other firearm without first having obtained from the fish and game warden a license therefor, which said license shall cost the owner of said firearm the sum of twenty-five dollars ($25.00), and shall expire one (1) year from date of issuance thereof; provided, however, that the provisions of this section shall not apply to any alien who is a bona fide resident of the State of Montana and the owner of not less than one hundred and sixty (160) acres of land therein, nor shall it apply to any settler on the public lands of the State of Montana who shall have begun to acquire land under the laws of the United States by filing thereon, nor shall it apply to persons engaged in tending or herding sheep or other animals held in herd."

Cost and duration of.

Act not applicable in certain cases.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1947.

CHAPTER 122

An Act Authorizing the Unemployment Compensation Commission of Montana to Refund Unemployment Tax Erroneously Collected From Certain National Banks for the Years 1941 and 1942 Upon the Filing and Approving of Proper Application for Refund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Notwithstanding any requirements of Section 14 (d) of Chapter 137, Session Laws of 1937, the unemployment compensation commission of Montana is hereby authorized upon the filing of the proper applications for refund and after the approval of said applications by the unemployment compensation commission of Montana to refund to any national bank the amount of unemployment taxes collected from said banks for the years 1941 and 1942. Unemployment taxes paid by national banks, refund of authorized.

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved February 28, 1947.

CHAPTER 123

An Act to Amend Section 1751.1, Revised Codes of Montana, 1935, and to Repeal Sections 1751.2, 1751.3 and 1751.4, as Each Thereof Are Amended by Chapter 184 Session Laws of the Twenty-sixth Legislative Assembly of the State of Montana, 1939, All Relating to Regulations Governing Size, Weight and Other Factors of Motor Vehicles, and to Provide in Lieu of Such Repealed Sections Uniform Standards Governing the Maximum Dimensions, Weights, and Speeds of Motor Vehicles Operating Over the Highways of the State of

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Montana, to Provide for Operations in Excess of Said Standards When Permitted by the State Highway Commission, and to Repeal All Acts and Parts of Acts Inconsistent With This Act, and to Provide Penalties for Violation of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1751.1 R. C. M. amended.

Section 1. That Section 1751.1, Revised Codes of Montana, 1935, shall be and the same is hereby amended to read as follows:

Regulation of size and weight of vehicles on public highways.

"1751.1. **Regulation of Size and Weight of Vehicles on Public Highways.** It shall be unlawful and constitute a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any public highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this act, or any vehicle or vehicles which are not so constructed or equipped as required in this act or the rules and regulations of the *state* highway commission, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations *or substitute any other limitations or requirements* except as express authority may be granted in this act."

Standards applicable.

Section 2. The following standards are hereby made applicable to, and shall govern the maximum dimensions, weights and speeds of motor vehicles, and other characteristics and factors thereof, operating over the highways of, and in the State of Montana, to the exclusion of any other standards or any other requirements respecting the subject matter:

Width.

(1) Width—No vehicle, unladen or with load, shall have a total outside width in excess of 96 inches.

Height.

(2) Height—No vehicle, unladen or with load, shall exceed a height of 13 feet, 6 inches.

Length of truck.

(3) Length—(a) No single truck, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 35 feet.

Length of bus.

(b) No single bus, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

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Combinations, length of.

(c) No combination of truck-tractor and semi-trailer, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 60 feet.

Other combinations, length of.

(d) No other combination of vehicles shall consist of more than two units, and no such combination of vehicles, unladen or with load, shall have an overall length, inclusive of front and rear bumpers, in excess of 60 feet.

Speed.

(4) Speed—(a) Minimum speed. No motor vehicle shall be unnecessarily driven at such slow speed as to impede or block the normal and reasonable movement of traffic. Exception to this requirement shall be recognized when reduced speed is necessary for safe operation or when a vehicle or combination of vehicles is necessarily or in compliance with law or police direction proceeding at reduced speed.

Maximum speed.

(b) Maximum speed. No truck shall be operated at a speed greater than 45 miles per hour. Passenger vehicles may be operated at such speeds as shall be consistent at all times with safety and the proper use of the roads.

Solid rubber tired vehicles, speed of.

(c) Vehicles equipped with solid rubber on cushion tires shall be operated at a speed not in excess of 10 miles per hour.

Permissible loads.

(5) Permissible loads—(a) No axle shall carry a load in excess of 18,000 pounds. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(b) No group of axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot:

Load, with reference to distance between groups of axles.

Distance in Feet Between the Extremes of Any Group of Axles	Maximum Load in Pounds Carried On Any Group of Axles
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610

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Load, with reference to distance between groups of axles.

9	33,580
10	34,550
11	35,510
12	36,470
13	37,420
14	38,360
15	39,300
16	40,230
17	41,160
18	42,080
19	42,990
20	43,900
21	44,800
22	45,700
23	46,590
24	47,470
25	48,350
26	49,220
27	50,090
28	50,950
29	51,800
30	52,650
31	53,490
32	54,330
33	55,160
34	55,980
35	56,800
36	57,610
37	58,420
38	59,220
39	60,010
40	60,800
41	61,580
42	62,360
43	63,130
44	63,890
45	64,650
46	65,400
47	66,150
48	66,890
49	67,620
50	68,350
51	69,070
52	69,790

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53.....70,500
54.....71,200
55.....71,900
56.....72,590
57.....73,280

Such loads are subject to reduction, when.

(c) The maximum axle and axle group loads stated in paragraphs (a) and (b) of clause (5) above are subject to reasonable reduction in the discretion of the state highway commission during periods when road subgrades have been weakened by water saturation or other cause; provided that the maximum limitations expressed in paragraphs (a) and (b) of clause 5 shall not apply to the incidental and occasional use of such highways by vehicles not usually or ordinarily engaged in highway use and employed primarily in agricultural or industrial uses other than on such highways.

Exceptions.

Special permits to exceed stated maximum limits.

(d) The operation of vehicles or combinations of vehicles having dimensions or weights in excess of the maximum limits herein recommended shall be permitted only if and when authorized by special permit issued by the state highway commission or its officers, supervisors or agents acting pursuant to duly delegated authority from said Commission, including the state highway patrol.

Violation of act, a misdemeanor.

Section 3. (a) It shall be unlawful and constitute a misdemeanor for any person, firm or corporation to violate any of the provisions of this act.

Penalties.

(b) Any person, firm or corporation convicted of a misdemeanor for a violation of any of the provisions of this act shall, for a first conviction thereof be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00), or by imprisonment in the county or municipal jail for not less than five (5) days nor more than twenty-five (25) days; for a second such conviction within one (1) year thereafter such person, firm or corporation shall be punished by a fine of not less than fifty dollars ($50.00), nor more than two hundred dollars ($200.00) or by imprisonment in the county or municipal jail for not less than twenty-five (25) days nor more than one hundred (100) days, or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person, firm or corporation shall be punished by a fine of not less than two hundred dollars ($200.00), nor more

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than five hundred dollars ($500.00), or by imprisonment in the county or municipal jail for not less than one hundred (100) days nor more than six (6) months, or by both such fine and imprisonment.

Named sections repealed.

Section 4. Sections 1751.2, 1751.3 and 1751.4, Revised Codes of Montana, 1935, as each of said sections is amended by Chapter 184, Session Laws of the twenty-sixth legislative assembly of Montana, 1939, shall be and each is hereby repealed.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 124

An Act to Amend Section 5011, Revised Codes of Montana, 1935, as Amended By Chapter 19, Montana Session Laws of 1939, By Providing That Council May Provide For One Polling Place In Municipalities of Less than One Thousand Five Hundred (1,500) Population.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5011 R. C. M. as amended further amended.

Section 1. That Section 5011, Revised Codes of Montana, 1935, as amended by Chapter 19, Montana Session Laws, 1939, be and the same is hereby amended to read as follows:

Appointment of judges and clerks, and places of voting.

"5011. The council or other governing body must appoint judges and clerks of election, and places of voting. Where the city or town is divided into wards there must be at least one voting place in each ward and there may be as many more as the council or other governing body shall fix, and the elector must vote in the ward in which he resides.

Election precincts in cities and towns having commission or commission-manager plan of government.

In cities and towns divided into wards the election precincts must correspond with the wards, but a ward may be subdivided into several voting precincts, and when so divided the elector shall vote in the precinct in which he resides. In cities and towns operating under the commission, or the commission-manager plan of

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municipal government, where there are no wards for election purposes and the officers of the city or town are elected at large, the election precincts shall correspond with the election precincts in such city or town as fixed by the board of county commissioners for state and county elections, but such precincts may be by the city commission divided into as many voting precincts, to facilitate the voting and counting of the vote, as the city commission shall by ordinance provide, and the elector shall vote in the voting precinct so designated, in which he resides. For all municipal elections the city council or other governing body may appoint a second or additional board of election judges for any voting precinct in which there were cast three hundred and fifty (350) or more votes in the last general city election or in which council or other governing body believes as many as three hundred and fifty (350) ballots will be cast in the next general city election, and such additional board of election judges shall have the same powers and duties, and under the same conditions, as the second or additional board of election judges for general elections appointed by boards of county commissioners under the provisions of Section 587 of the Revised Codes of Montana of 1935, as amended by Chapter 61 of the Laws of the twenty-fifth legislative assembly of the State of Montana. In all cities and towns where voting machines are used, the city council or other governing body must arrange the precincts so that there will be no more than six hundred (600) votes in any voting precinct. *Provided that in municipal corporations of less than one thousand five hundred (1,500) population, as determined by the last official census the council or other governing body may by ordinance provide that there shall be but one polling or voting place for municipal elections, nothwithstanding the number of wards or precincts in the municipality otherwise provided for.* All municipal elections must be conducted in accordance with the general laws of the State of Montana relating to such election."

Additional boards of election judges.

Voting precincts where voting machines are used.

Proviso, relating to municipal corporatiins of less than 1,500 population.

Conduct of elections.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

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CHAPTER 125

An Act to Amend Section 5158.11 of the Revised Codes of Montana, 1935, Relating to the Payment of Premium Tax to the Volunteer Fireman's Compensation Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5158.11 R. C. M. amended.

Section 1. That Section 5158.11 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Fire insurance premium tax to be paid into fund.

"Section 5158.11. **Fire Insurance Premium Tax to Be Paid Into Fund.** The state auditor and ex-officio commissioner of insurance of the State of Montana shall annually deposit in the 'Volunteer Fireman's Compensation Fund,' herein created, such sum as shall be equivalent to five per cent (5%) of premium taxes collected from insurance companies *authorized to effect insurance against risks enumerated in Paragraph 1 of Section 6136,* pursuant to Section 6112, as shall remain after the amounts provided for by Section 5127, shall have been first deducted."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 28, 1947.

CHAPTER 126

An Act to Amend Section 5126 of the Revised Codes of Montana, 1935, Relating to Reports of Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5126 R. C. M. amended.

Section 1. That Section 5126 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Reports of insurance companies.

"Section 5126. **Reports of Insurance Companies.** The commissioner of insurance shall include in the blank form furnished to each insurance company *authorized to effect insurance against risks enumerated in Paragraph 1 of*

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Section 6136 for its annual statement, a list of all such incorporated cities or towns, and each company shall report therein the amount of premium received by it during the preceding year in each incorporated city or town. Before July 1 following the said October 31, mentioned in preceding sections, the commissioner of insurance shall certify to the state auditor the name of each city or town which has an organized fire department and fire department relief association which has complied with provisions of Section 5117, which has been so reported to him and the amount of premiums received in each such city or town in such year by each insurance company *authorized to effect insurance on risks enumerated in Paragraph 1 of Section 6136.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 28, 1947.

CHAPTER 127

An Act to Amend Section 5127 of the Revised Codes of Montana, 1935, Relating to the Payment to Fire Department Relief Association of License Fees Collected From Insurance Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5127 R. C. M. amended.

Section 1. That Section 5127 of the Revised Codes of the State of Montana, 1935, be, and the same is hereby amended to read as follows:

State auditor to pay fire department relief associations license fees collected from insurance companies.

"Section 5127. **State Auditor to Pay Fire Department Relief Associations License Fee Collected From Insurance Companies.** At the end of the fiscal year, the state auditor shall issue and deliver to the treasurer of every city or town, for the use and benefit of the fire department relief association legally existing in every such city or town entitled by law to receive the same, his warrant for an amount equal to the license fees collected by the state auditor, ex-officio insurance commissioner, from insurance companies *authorized to effect insurance on risks enumerated in Paragraph 1 of Section 6136*, as provided

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by Section 6112, as said cities or towns are each severally entitled to, computed as follows:

Computation of amounts payable to each association severally.

1. Each and every fire department relief association legally organized and existing in any city or town and entitled by law to receive the same shall receive, as its portion of the total license fees collected from insurance companies *authorized to effect insurance on risks enumerated in Paragraph 1 of Section 6136* all of the license fees assessed and collected on all premiums collected by insurance companies *authorized to effect insurance on risks enumerated in Paragraph 1 of Section 6136* in the said city or town, pursuant to Section 6112.

Based on fees collected on insurance on risks in city or town.

Additional amount payable, in what case.

2. The legally organized and existing fire department relief associations in all cities or towns where the license fee collected and distributed pursuant to the preceding section is insufficient to make an amount equal to $100.00 shall receive such additional amount from the total license fees collected from insurance companies *authorized to effect insurance against risks enumerated in Paragraph 1 of Section 6136* as may be necessary to make the total amount received by said fire department relief association equal to the sum of $100.00."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 28, 1947.

CHAPTER 128

An Act Authorizing an Administrator, Executor, Trustee, or Other Fiduciary to Deposit With the County Treasurer the Share of Any Heir, Devisee, Creditor, Legatee, Beneficiary, or Other Person Interested in an Estate, or Trust, Who Cannot Be Found, or Under Disability, Providing for Recovery Thereof by Claimant, and Escheat to State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Payments to County Treasurer.** When property in the hands of an administrator, executor,

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trustee, or other fiduciary, is assigned or distributed to any heir, legatee, devisee, creditor, beneficiary, or person interested in any estate or trust, who has no agent in this state or who cannot be found, or who refuses to accept the same, or to give a proper voucher therefor; or to a minor or incompetent person who has no legal guardian to receive the same, or person authorized to receipt therefor, and the same or any part thereof consists of money, the administrator, executor, trustee, or other fiduciary may deposit the money in a special fund in the name of the heir, legatee, devisee, creditor, beneficiary, or person interested, with the county treasurer of the county in which the proceedings are pending, or in which such property is located, who shall give a receipt for the same, and be liable upon his official bond therefor; and said receipt shall be deemed and received by the court, or judge thereof, as a voucher in favor of the executor, administrator, trustee or other fiduciary, with the same force and effect as if executed by such heir, legatee, devisee, creditor, beneficiary or person interested.

Money in hands of administrator or other fiduciary may deposit it with county treasurer, when.

Receipt, force and effect of.

Section 2. **Claim for Money Paid Into Treasury.** When any person appears and claims the money paid into the county treasury, the district court of such county must inquire into such claim, and if satisfied of his right thereto, must make an order to that effect, and upon presentation of the order, the treasurer must draw his warrant on the special fund for the amount to which claimant is entitled.

Claim for money so paid into county treasury.

Secion 3. **Deposit of Unclaimed Property—Escheat to State.** All money or other property distributed in the administration of an estate of a decedent, or as the subject of a trust, and heretofore or hereafter deposited with the county treasurer to the credit of the distributee, or beneficiary, and any money remaining on deposit to the credit of an estate after final distribution, must be delivered into the state treasury by the county treasurer upon the expiration of one (1) year from the day of such deposit. Money or other property so deposited in the state treasury, if not claimed by the person or persons entitled thereto, within two (2) years from the date of such deposit, by bringing an action as provided in Chapter 184, Session Laws of the twenty-eighth legislative assembly, as amended by Chapter 79 of the Session Laws of the twenty-ninth legislative assembly of 1945,

Deposit of unclaimed money.

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Escheat to state.

known as the "escheated property act", shall escheat to the State of Montana, and be placed in the public school fund as provided therein.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1947.

CHAPTER 129

An Act to Repeal Sections 3859 to 3787, Inclusive, of the Revised Codes of Montana, 1935, Relating to Regulation of Navigation and Inspection of Boats and Vessels by the Railroad Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing clause.

Section 1. That Sections 3859 to 3878, inclusive, of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 130

An Act to Amend Section 2396.4 of the Revised Codes of Montana, 1935, as Amended by Chapter 67, of the Laws of 1939, Relating to the Refund of Gasoline Taxes, the Procedure Therefor, and the Persons Entitled Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2396.4 R. C. M. as amended further amended.

Section 1. That Section 2396.4 of the Revised Codes of Montana, 1935, as amended by Chapter 67, of the laws of 1939, be, and the same is hereby amended to read as follows:

"2396.4. That any person who shall purchase and use any gasoline, with reference to which there has been paid into the treasury of the State of Montana, under the laws of this state licensing dealers in gasoline, a tax at the rate of five cents (5c) per gallon, for the purpose

Refund of gasoline tax.

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of operating or propelling stationary gas engines, tractors used for purposes other than on the public highways or streets of this state, motor boats, aeroplanes or aircraft, or for cleaning or dyeing, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state, and who has paid said tax either directly to the State of Montana or indirectly as a part of the purchase price of said gasoline, shall be allowed and paid as a refund or drawback an amount of money equal to five cents (5c), multiplied by the number of gallons of gasoline so purchased and used, provided that counties, incorporated cities, towns and school districts of this state shall be entitled to said refund or drawback of said tax by any such county, city, town or school district upon gasoline used by it in the performance of any of its governmental and proprietary functions, or either, imposed or authorized by law, including construction, maintenance and repair of all roads, highways and public places within the county limits and all streets, avenues, alleys and other public places within the corporate limits of such city or town; provided that such refund or drawback shall in no instance exceed the total amount of the tax paid or to be paid, to the State of Montana, upon presenting to the board of equalization of the State of Montana, within the time allowed by law, a sworn statement, accompanied by the invoice or invoices issued to the claimant at the time of purchase of such gasoline showing such purchase and use, which statement shall set forth in words and figures, the total amount of the gasoline so purchased, and the purpose for which the same was actually used, the amount of the tax and such additional information as may be required by said board on forms to be furnished by them. All such applications for refunds or drawbacks shall be filed with the board of equalization of the State of Montana within six (6) months after the date on which such gasoline was purchased as shown by such invoices. The said board shall have sixty (60) days thereafter within which to make such investigation as it may desire, to ascertain the truths of the statements made. If the statement is found to be correct and is approved by said board and the state board of examiners, the state auditor shall draw his warrant upon the state treasurer for the amount of such claim and same shall be paid out of the gasoline

Refund to counties, cities, towns and school districts.

Showing required of claimant.

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license tax drawback fund in the same manner as other claims against the state are paid. Such refund or drawbacks shall be made only to, and on the application of, the actual purchaser and user of the gasoline upon which refund is claimed and the burden of establishing the validity of the claim rests upon the claimant.

"Should the board of equalization, after investigation, find that the statement so made by said consumer contains errors which, in the opinion of the board were not inserted for the purpose of fraud, it may correct the statement and approve the same as corrected whereupon warrant shall issue, after approval by the state board of examiners, as above provided, or the board may, in its discretion, require the claimant to file an amended statement before action is taken thereon. If, upon investigation, it shall be determined by the state board of equalization that any claim has been fraudulently presented or is supported, as to any item therein by invoice or invoices fraudulently made or altered in any manner, or that any statement in the claim contained or the affidavit thereto, is wilfully false in any particular and so made for the purpose of misleading said board, the board may reject such claim in toto.

Approval or rejection by board of equalization.

"Any person desiring to claim refund on gasoline purchased shall obtain from the state board of equalization a permit by application therefor, on such form as the board shall prescribe, which application shall be made under oath and shall contain, among other things, the name, address and occupation of the applicant, the nature of the business, and a sufficient description for identification of the machines or equipment in which the taxable motor fuel is to be used for which refund may be claimed under such permit.

Permits for filing claims.

"Each permit issued shall bear a permit number and each claim filed shall bear the permit number of the claimant. It shall be the duty of the state board of equalization to keep a record of all permits issued and a cumulative record of refund claimed and paid thereunder.

Record required.

"Whenever a claim shall be rejected upon the ground of fraud, as above provided, the state board of equalization may suspend the claimant's permit, for a period not exceeding one year, and no claim shall thereafter be

Suspension of permit.

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approved or allowed for refund on any gasoline purchased by such claimant during such period of suspension.

Subjection to conditions, rules and regulations applicable to individuals.

"All of the subdivisions of the state mentioned herein shall be subject to all of the conditions, rules and regulations applicable to individuals and as such subdivisions can act only by their officers and agents in presenting claims for refund they shall be responsible for and bound by the acts and declarations of such officers and agents.

Separate invoices for each purchase.

"When gasoline is sold to a person who shall claim to be entitled to a refund of the tax imposed, the seller of such gasoline shall make and deliver at the time of such sale separate invoices for each purchase on invoice forms approved by the state board of equalization showing the name and address of the seller and the name and address of the purchaser, the number of gallons of gasoline so sold in words and figures and the date of such purchase, which invoice, attached to the claim presented shall be the only proof upon which a legal claim can be made for a refund based upon such purchase. The seller shall retain *the* duplicate original invoices for the period of one year from and after the date of issuance, during which period they shall be open to inspection by the state board of equalization and its agents. Such invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 131

An Act to Amend Section 3656 of the Revised Codes of Montana, 1935, Relating to Deputy Fish and Game Wardens—Appointments.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3656 R. C. M. amended.

Section 1. That Section 3656 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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Deputy fish and game wardens, appointment and number of.

"Section 3656. **Deputy Fish and Game Wardens—Appointments.** The state fish and game warden, by and with the consent and approval of the commission, shall have power to employ, and appoint a number of deputy state fish and game wardens not in excess of *forty-two (42)* for the proper enforcement of the fish and game laws of the state, or for such purposes as the warden may direct, who shall be peace officers and hold their offices for such time as the warden my direct, and who may be removed from office by said warden at any time for cause, after due hearing before said commission. The said commission shall assign to each deputy state fish and game warden, appointed or employed, the territory or district in which he is to perform his duties and work, which may be changed at any time by said commission. Said deputy fish and game wardens shall perform their duties at the direction of, and subject to the supervision and control of the state fish and game warden; provided, however, the commission may employ for a limited period of time, special deputy game wardens to patrol said districts and enforce the game and fish laws of the State of Montana therein, and to perform such duties in said districts as may be prescribed by said commission for the limited time for which they are employed."

Territory to be assigned to each.

Special deputy game wardens.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 132

An Act to Amend Chapter 160 of the Laws of 1937, Relating to Absence From State Employment of Members of the National Guard While Attending the Annual Encampment, By Providing Members of Reserve Corps or Forces of the United States Army, Navy, Marine Corps, or Coast Guard Now Existing or Which May Be Created Hereafter Shall Be Given Leave of Absence With Pay For Attending Regular Encampments, Training Cruises, and Similar Training Programs, Providing When This Act Shall Take Effect, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 160 laws of 1937 amended.

Section 1. That Chapter 160 of the Laws of 1937 be amended to read as follows:

Leave of absence of state employees attending national guard encampments and similar training programs.

"Section 1. That any person who is a member of the organized National Guard of the State of Montana *or who is a member of the organized or unorganized reserve corps or forces of the United States Army, Navy, Marine Corps, or Coast Guard, which now exist or may be created at any time in the future by proper authority,* and who is an appointee of or employee of the State of Montana, or any of its departments, or any county or city within the state, shall be given leave of absence with pay for attending regular encampments, *training cruises, and similar training programs* authorized by the secretary of war of the United States for the Montana National Guard *or by the proper legal authority in charge of the reserve corps or forces of the United States Army, Navy, Marine Corps, or Coast Guard* while in attendance at such annual encampment, *training cruise, and similar training program,* or without the time being charged against him on his annual vacation."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 133

An Act to Amend Section 2297 of the Revised Codes of Montana, 1935, Relating to Corporation License Tax, the Deductions Allowed in Computing Income, and Repealing Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2297 R. C. M. amended.

Section 1. That Section 2297 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Net income deductions.

"Section 2297. In computing the net income the following deductions shall be allowed from the gross in-

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come received by such corporation within the year from all sources:

Business expenses.

1. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Losses sustained.

2. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear of property arising out of its use or employment in the business or trade. No deduction shall be allowed for any amount paid out for any buildings, permanent improvements or betterments made to increase the value of any property or estate and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

Depletion and depreciation in the case of mines and timber.

3. In the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements, according to the peculiar conditions in each case; such reasonable allowance in all cases to be made under rules and regulations to be prescribed by the state board of equalization; provided, however, for the purpose of determining depletion, depreciation and obsolescence, in all cases not expressly provided for in this act, the provisions of the most recent act of congress of the United States, commonly known as the federal income tax act, and the rules, regulations and decisions thereunder, insofar as same are applicable and pertinent and not repugnant to or inconsistent with the express provisions of this act, shall be the rule of decision by the state board of equalization.

Interest paid.

4. The amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived; but no interest shall be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance or improvement of property or for the conduct of business unless the income

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from such property or business would be taxable under this act.

5. Taxes, *other than taxes imposed by this act,* paid within the year imposed by authority of the United States or its territories or possessions, or any foreign country, or under the authority of this state, or any county, school district or municipality or other taxing subdivisions of this state, not including those assessed against local benefits. Taxes paid.

6. In the case of insurance companies, in addition to the above, the net addition required by law to be made within the year to reserve funds, and paid within the year on policy and annuity contracts." In the case of insurance companies.

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective date.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 28, 1947.

CHAPTER 134

An Act to Repeal Section 2252 of the Revised Codes of Montana, 1935, Requiring County Clerks to Note Excesses or Deficiencies in Personal Property Taxes Paid.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2252 of the Revised Codes of Montana, 1935, be, and the same is hereby repealed. Sec. 2252 R. C. M. repealed.

Approved February 28, 1947.

CHAPTER 135

An Act to Amend Section 993 Revised Codes of Montana of 1935 Relating to the Hours of Opening and Closing of the Polls In School Elections In Districts of the First Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 993 Revised Codes of Montana of 1935 be amended to read as follows: Sec. 993 R. C. M. amended.

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Hours of election.

"993. **Hours of Election.** In districts of the first class the polls must be opened at *twelve o'clock (12:00) noon and kept open until eight o'clock (8:00) P.M.*"

Repealing clause.

Section 2. All acts, or parts of acts, in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 136

An Act to Empower the State Fish and Game Commission to Issue Special Licenses or Otherwise Dispose of Deer of Either Sex When Damaging Property.

Be it enacted by the Legislative Assembly of the State of Montana:

Power of commission to provide for disposal of deer, under stated conditions.

Section 1. **Power of Commission to Provide for Disposal of Deer Increasing in Number and Damaging Property.** Whenever deer of either or both sexes within the State of Montana have increased in number to such extent that, in the judgment of the state fish and game commission, their number should be reduced, or special or private property is being actually and materially damaged or destroyed, by said deer, and written complaint of such damage has been filed with the state fish and game commission by the owners of such property, the said commission shall have the power and authority whenever, in its opinion, conditions warrant to take, kill, remove or dispose of such deer of either or both sexes under such rules and regulations and conditions as it may prescribe and promulgate; providing that the fish and game commission may open the season on such deer of either or both sexes and may issue special licenses in a limited number depending upon the number of deer to be killed and in determining to whom these licenses shall be issued, the commission shall when more applications are made than there are animals to be killed, award permits to those chosen under a drawing system. Each application shall be accompanied by a fee of five dollars ($5.00) which fee shall be refunded to the applicant in the event such applicant is not awarded a special license or permit. Special licenses as herein authorized may be issued

Open season and special licenses.

Fee for license.

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to only those holding big game licenses and be limited to only one deer of either sex, the sex of which shall be designated on such special license or permit. The animal must be tagged with a special tag or permit issued by the fish and game commission.

Limitations respecting license.

Tagging of animal.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 28, 1947.

CHAPTER 137

An Act to Amend Section 6456 of the Revised Codes of Montana of 1935, Relating to Matters Which May Be Embraced in the By-laws of Non-profit Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6456 of the Revised Codes of Montana of 1935 be, and the same is hereby, amended to read as follows:

Sec. 6456 R. C. M. amended.

"Section 6456. **By-laws, Matters Which May Be Embraced in.** Corporations organized for purposes other than profit may, in their by-laws, ordinances, constitutions, or articles of incorporation, in addition to the provisions in the preceding section, provide for:

By-laws, matters which may be embraced in.

"1. The qualification of members, mode of election, and terms of admission to membership; *the qualification of directors or trustees, rights of representation on the board as directors or trustees, the mode of election, including the election of directors or trustees by vote of contributors to the corporation in proportion to their total contributions;*

Qualification of members and directors.

"2. The fees of admission and dues to be paid into their treasury by members;

Fees and dues.

"3. The number of members that constitutes a quorum at any meeting of the corporation, and an election of officers of the corporation by a meeting so constituted shall be as valid as if there had been a majority of the members present thereat and voting;

Quorum, and election of officers.

"4. The expulsion and suspension of members for misconduct or nonpayment of dues; also for restoration to membership;

Expulsion and suspension of members.

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"5. Contracting, securing, paying, and limiting the amount of their indebtedness;

Other regulations.

"6. Other regulations, not repugnant to the constitution or laws of the state and consonant with the objects of the corporation."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

CHAPTER 138

An Act to Amend Section 4486 of the Revised Codes of Montana, 1935, Authorizing the Board of County Commissioners to Employ and Pay Special Counsel to Assist County Attorneys or to Represent the County and Perform the Duties of the County Attorney In Case of a Vacancy Arising In the Office of County Attorney, Where No Attorney Resides In Said County Qualified to Fill Such Vacancy, and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4486 R. C. M. amended.

Section 1. That Section 4486 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

Special counsel, county commissioners may authorize appointment of.

"4486. The board of county commissioners has the power, except in counties of the first class, whenever, in its judgment, the ends of justice or the interests of the county require it, to employ, or authorize the county attorney to employ, special counsel to assist in the prosecution of any criminal case pending in such county, or to represent said county in any civil action in which such county is a party. *Whenever a vacancy in the office of county attorney shall arise in any county and there is no licensed attorney residing in said county who is eligible to be appointed to fill said vacancy, the board of county commissioners is authorized and has the power to employ special counsel from without the county who shall be designated and officially known as 'Acting County At-*

Employment of special counsel from without the county, when.

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torney', and who, during said employment, shall be vested with all the powers and shall perform all the duties of the county attorney, including the filing of all complaints, informations and/or other proceedings for and in which the county or state may be a party, and to prosecute and defend the same to the same extent and with the same force and effect as if he were the regular qualified county attorney. That said attorney shall be paid a monthly compensation of not to exceed the monthly salary of the county attorney. That whenever any such attorney is employed, the county clerk of said county shall certify to the attorney general the name of such acting county attorney and the fact of his employment.

Compensation.

Whenever any licensed attorney shall establish residence in said county and become eligible to hold the office of county attorney, it shall be the duty of the board of county commissioners to appoint such attorney to fill said vacancy and the employment of said special attorney shall thereupon cease.''

Resident licensed attorney to be appointed to fill vacancy.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved February 28, 1947.

CHAPTER 139

An Act to Amend Section 382 Revised Codes of Montana 1935 Relating to the Title of the Montana Reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 382, Revised Codes of Montana 1935, be and the same is hereby amended to read as follows:

Sec. 382 R. C. M. amended.

''Section 382. The title of each volume shall be 'Montana Reports', which title, together with the number of the volume, shall be printed on the back of each book.''

Title of Montana reports.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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CHAPTER 140

An Act to Amend Section 4586 of the Revised Codes of Montana of 1935 Relating to the Method of Levying Taxes Upon Rural Improvement Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4586 R. C. M. amended.

Section 1. That Section 4586 of the Revised Codes of Montana of 1935 be and the same is hereby amended to read as follows:

"4586. **Tax Levy—Resolution—Term of Years.** To defray the cost of making improvements in any special improvement district, the board of county commissioners shall, by resolution, levy and assess a tax upon all property in the district created for such purpose, by using for a basis for such assessment the method provided for by this act. Such resolution shall contain a description of each lot or parcel of land, with the name of the owner, if known, and the amount of each partial payment, when made, and the day when the same shall become delinquent. The payment of the assessment to defray the cost of constructing any improvements in special improvement districts may be spread over a term of not to exceed *twenty (20)* years, payment to be made in equal annual installments."

Tax levy.

Resolution.

Term of years.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1947.

CHAPTER 141

An Act to Amend Section 681 R. C. M. 1935, as Last Amended By Section 2, Chapter 81, Session Laws of Montana of 1939, Relating to the Preparation of Election Ballots and Regulating Their Form, Color, Size and Use, the Placing of Names Thereon and Other Matters Pertaining Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 681 R. C. M. as amended further amended.

Section 1. That Section 681, R. C. M. 1935, as last amended by Section 2, Chapter 81, Session Laws of Montana of 1937, be, and the same is hereby amended to read as follows:

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"Section 681. Ballots for all general elections prepared under the provisions of this chapter must be white in color and of a good quality of paper and the names must be printed thereon in black ink. The ballots used in any one county must be uniform in size and every ballot must contain the name of every candidate whose nomination for any special office specified in the ballot has been certified or filed according to the provisions of law and no other names, except that the names of candidates for president and vice-president of the United States shall appear on the ballot as provided for by Section 813 of the Revised Codes of Montana, 1935.

Color and size of ballots.

(A) The name of each candidate nominated shall be printed upon the ballot in but one place and there shall be added after and directly opposite to the name of each candidate nominated, the party or political designation contained in the certificate or nomination of such candidate in not more than three (3) words, except that the political designation of electors for president and vice-president of the United States shall be opposite the whole list thereof, and the names of candidates for chief justice, associate justices, and district court judges shall each be followed by the following words directly underneath the name of the candidate: "Nominated without party designation." It is provided, however, that whenever any person is nominated for the same office by more than one party the designation of the party which first nominated him shall be placed opposite his name unless he declines in writing, one or more of such nomination, or by written election indicates the party designation which he desires printed opposite his name; or if he is nominated by more than one party at the same time he shall within the time fixed by law for filing certificates of nomination, file with the officer with whom his certificate of nomination is required to be filed, a written election indicating the party designation which he desires printed opposite his name, and it shall be so printed. If he shall fail or neglect to file such an election no party designation shall be placed opposite his name.

Names and party of candidate to be printed on ballots.

(B) The names of all candidates shall be arranged alphabetically according to surnames under the appropriate title of the respective offices. It is provided, however, that, while all of the candidates for the particular office shall remain together in the same box, yet the candidates of the two major parties shall appear on the ballot

Arrangement of names of candidates.

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before and above the candidates of the minor parties and independent candidates. For the purpose of designating the candidates of the two major parties, they shall be those candidates of the two parties whose candidates for governor, excluding independent candidates, have been either first or second, (by receiving the highest or next highest number of votes cast for the office of governor at the particular election) the greatest number of times at the next preceding four (4) general elections. In case of a tie in the number of first or second places, the determination shall be made by going back enough preceding elections to break the tie and no farther. All other candidates shall be designated as either independent candidates or as belonging to minor parties. When two or more persons are candidates for election *to* the same office, including presidential and vice-presidential candidates, it shall be the duty of the county clerk in each of the counties of the state to divide the ballot forms provided by the law for the county, into sets so as to provide a substantial rotation of the names of the respective candidates as follows:

Rotation of names of candidates.

He shall divide the whole number of ballot forms for the county into sets equal in number to the greatest number of candidates for any office, and he shall so arrange said sets that the names of the candidates shall, beginning with a form arranged in alphabetical order, (for the purposes of rotation of presidential and vice-presidential candidates, the office of president and vice-president, together with presidential electors shall be considered as a group and alphabetized under the name of the candidate for president), be rotated by removing one name from the top of the list for each office and placing said name or number at the bottom of that list for each successive set of ballot forms; provided, however, that no more than one of said sets shall be used in printing the ballot for use in any one precinct, and that all ballots furnished for use in any precinct shall be of one form and identical in every respect. It is further provided that candidates of the two major parties as hereinabove defined shall be rotated as one group and the candidates of the minor parties and independent candidates shall be rotated as another group so that the candidates of the two major parties for a particular office shall appear on the ballot before and above any candidates of the minor parties or independent candidates.

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Columns and material to be printed upon ballots.

(C) Each ballot shall contain at the top the stub as provided by Section 684 R. C. M. 1935, and directly underneath the perforated line shall be the following words in bold face type, "VOTE IN ALL COLUMNS". Each ballot shall contain two (2), and not more than two (2) columns for the election of state, national, county and township officers. The first two columns and no others shall be used for the election of officers. Provided, however, that a third column and as many additional columns as may be necessary shall be used for constitutional amendments, and initiative and referendum measures *which do not involve the creation of a state levy, debt or liability.* In the first column and the left, which shall be designated at the head with the words, "STATE AND NATIONAL," in large bold face type, shall be listed all candidates for state and national offices, including supreme court justices, and district court judges, and in the second column, which shall be designated at the head with the words, "COUNTY AND TOWNSHIP," in large bold face type, shall be listed all candidates for the legislative assembly, county and township offices. The third column and any additional column shall be designated at the head with the words, "INITIATIVES, REFERENDUMS, AND CONSTITUTIONAL AMENDMENTS," in large bold face type, and listed thereunder shall be all proposed constitutional amendments and measures to be voted on by the people at such election *which do not involve the creation of any state levy, debt or liability. All proposed constitutional amendments, initiative and referendum measures or other measures which do not involve the creation of any state levy, debt or liability, may be submitted to the voters on the official ballot upon the form provided for in Subsection F of this section. All such measures which involve the creation of a state levy, debt or liability shall be submitted to the qualified voters upon a separate official ballot in substantial conformity with the form provided for by Subsection F of this section, for the submission of such measures.* In case there are no such measures *to be submitted, said third column* shall be eliminated. The columns shall be separated by two straight lines at least one-half inch apart.

What measures may be submitted to the voters.

Other matter to be placed on ballot.

(D) At the bottom of the first column, or the column to the left, there shall be placed the following words, "VOTE FOR COUNTY AND TOWNSHIP OFFICES IN THE NEXT COLUMN." At the bottom of the second

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column, if there be any initiatives, referendums or constitutional amendments, and every column except the last column, there shall be the following words, "VOTE ON INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS IN THE NEXT COLUMN."

Order of placement of state and national offices in first column.

(E) The order of the placement of the offices on the ballot in the first column, or to the left, designated "STATE AND NATIONAL," shall be as follows: "President and Vice-President, together with the presidential electors; United States Senator; United States Representative in Congress; Governor; Lieutenant Governor; Secretary of State; Attorney General; State Treasurer; State Auditor; Railroad and Public Service Commissioners; State Superintendent of Public Instruction; Clerk of the Supreme Court; Chief Justice of the Supreme Court; Associate Justice or Justices of the Supreme Court; District Court Judges"; provided, however, that in the years in which any of such offices are not to be elected, such offices shall not be designated, but the order of those offices to be filled shall maintain their relative positions as herein provided.

Order of placement of county and township offices in second column.

In the second column, designated, "COUNTY AND TOWNSHIP," the following order of placement shall be observed: "State Senator; Member or Members of the House of Representatives; Clerk of District Court; County Commissioner; County Clerk and Recorder; Sheriff; County Attorney; County Auditor." Such other offices to be elected shall be placed following the foregoing in the order deemed most appropriate by the county clerk. In the third column constitutional amendments shall come first with referendum and initiative measures following.

Other matter on ballot.

(F) In case of a short term and a long term election for the same office, the long term office shall precede the short term. The ballots shall be so printed as to give each voter a clear opportunity to designate his choice of candidates by a cross mark, (X) in a square at the left of the name of each candidate. Above each group of candidates for each office shall be printed the words designating the particular office in bold face capital letters and directly underneath the words, "VOTE FOR" followed by the number to be elected to such office. As nearly as possible the ballot shall be in the following form:

(Stub hereinafter provided for by Section 684.)

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Perforated Line

VOTE IN ALL COLUMNS

STATE AND NATIONAL

FOR PRESIDENTIAL ELECTORS TO VOTE FOR PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

VOTE FOR ONE

For President of the United States. Democrat

☐ JOHN DOE

For Vice-President of the United States.

☐ RICHARD ROE

For Presidential Electors:

Jane Doe, Helen Doe,

Pete Moe, Milton Moe

(Same with other candidates for President and Vice-President together with blank space for write-in.)

FOR UNITED STATES SENATOR

VOTE FOR ONE

☐ Frank Roe Democrat

☐ Guy Doe Republican

☐ .....

(Same for Congressmen, Governor, Lieut. Governor, Secretary of State, Attorney General, State Treasurer, State Auditor, Railroad and Public Service Commissioners, State Superintendent of Public Instruction, and Clerk of the Supreme Court.)

FOR CHIEF JUSTICE OF THE SUPREME COURT.

VOTE FOR ONE

☐ Richard K. O'Doe (Nominated without party designation.)

☐ Tom Row (Nominated without party designation.)

.....

(Continued in like manner for Associate Justice and Judges of the District Court.)

VOTE FOR COUNTY AND TOWNSHIP OFFICERS IN THE NEXT COLUMN.

COUNTY AND TOWNSHIP

FOR STATE SENATOR

VOTE FOR ONE

☐ Bill Doe Republican

☐ John Roe Democrat

.....

FOR MEMBER OF THE HOUSE OF REPRESENTATIVES.

VOTE FOR TWO

☐ Allen Doe Republican

☐ Frank Doe Republican

☐ A. R. Roe Democrat

☐ Ole Roe Democrat

.....

.....

(Continued in like manner for all county and township officers.)

(VOTE ON INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS IN THE NEXT COLUMN.)

INITIATIVES, REFERENDUMS AND CONSTITUTIONAL AMENDMENTS.

CONSTITUTIONAL AMENDMENTS

.....

.....

.....

.....

☐ For the Amendment

☐ Against the Amendment

REFERENDUM NO. 1

.....

.....

.....

.....

.....

☐ For Referendum No. 1

☐ Against Referendum No. 1

INITIATIVE NO. 1

.....

.....

.....

☐ For Initiative No. 1

☐ Against Initiative No. 1

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and continuing in like manner as to all candidates, constitutional amendments, initiatives, and referendums voted on at such election."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall take effect upon its passage and approval.

Approved March 3, 1947.

CHAPTER 142

An Act to Amend Section 1581 of the Revised Codes of Montana, 1935, and Section 1 of Chapter 7 of the Session Laws of the Twenty-Eighth Legislative Assembly of the State of Montana, Relating to the Objects and Purposes and Time For Holding "The Montana State Fair"; Repeal All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1581 R. C. M. as amended further amended.

Section 1. That Section 1581 of the Revised Codes of Montana of 1935, and Section 1 of Chapter 7 of the Session Laws of the twenty-eighth legislative assembly of the State of Montana, be, and the same are hereby amended as follows:

Objects and purposes.

"Section 1581. **Objects and Purposes—Time for Holding.** The objects and purposes of said institution shall be to encourage the location and settlement of the public lands within this state, and to encourage immigration and capital in aid of the further development of our natural resources; and to better disseminate knowledge concerning the growth, prosperity, and possibilities of agriculture, stock raising, horticulture, mining, mechanic arts, and industrial pursuits in this state. To this end the management of *said institution shall provide an annual state fair or exposition of all said enumerated products,* which fair shall be conducted for a period of not more than two (2) weeks as the management may designate, between the fifteenth day of August and the fifteenth day of October *of each year;* the state purchasing agent for the department of agriculture, if either enters into any agreement concerning the use, repairing or occupancy of the Mon-

State fair; when appropriation provided; time for holding.

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tana state fair grounds, shall insure the fact that no liability of any kind or nature shall attach to the State of Montana through said use or occupancy and further provide that the State of Montana shall in no way be obligated for any costs or expenses of any manner or kind incident to or arising out of the holding of 'The Montana State Fair.' "

Section 2. This act shall be in full force and effect from, and after, the fifteenth day of March, 1949. Effective date.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 3, 1947.

CHAPTER 143

An Act to Repeal Chapter 86 of the Laws of the Twenty-eighth Legislative Assembly of 1943, Relating to Fireworks; to Define Fireworks; Prohibiting the Sale, Offering or Exposing for Sale and Use of Fireworks, Except in Certain Cases; Regulating the Manner of Using Fireworks; Imposing Duties on the State Fire Marshal, Sheriff, Police Officers and Constables; and Providing Penalties for the Violation of the Provisions of This Act..

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Chapter 86 of the laws of the twenty-eighth legislative assembly of the State of Montana of 1943, is hereby repealed. Ch. 86, laws of 1943, repealed.

Section 2. **Fireworks Defined for the Purposes of This Act.** The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy cannons, in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers exceeding two (2) inches in length, and one-quarter (¼) inch in diameter, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable Fireworks defined for the purposes of this act.

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compound, or any tablets or other device containing any explosive substance.

Exceptions.

Exceptions: The term "fireworks" shall not include sparklers, fire crackers not exceeding two (2) inches in length and one-quarter (1/4) inch in diameter, toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, and toy pistol paper caps which contain less than twenty hundredths (20/100) grains of explosive mixture, the sale and use of which shall be permitted at all times.

Supervised public display of fireworks.

Section 3. **Supervised Public Display of Fireworks.** Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership, association or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the state fire marshal and the governing body of any city, town or township or county shall have power, under reasonable rules and regulations adopted by it, to grant permits for supervised public displays of fireworks to be held therein by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the state fire marshal or by the governing body of the municipality in which the display is to be held and shall be of such a character, and so located, discharged or fired as in the opinion of the chief of the fire department or such other officer as may be designated by the governing body of the municipality, after proper inspection, shall not be hazardous to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. The term "municipalities" shall include cities, incorporated towns and townships.

Damage indemnity bond from licensee.

Section 4. **Damage Indemnity Bond From Licensee.** The governing body of the municipality shall require a bond deemed adequate by the municipality from the

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licensee in a sum not less than five hundred dollars ($500.00) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

Where act does not apply.

Section 5. **Where Act Does Not Apply.** Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited; or the sale of any kind of fireworks, provided the same are to be shipped directly out of state, or are to be used by a person holding a permit from any municipality at the display covered by such permits; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or when used in quarrying or blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or organizations composed of veterans of the United States Army, Navy or Marine Corps.

Confiscation.

Section 6. **Confiscation.** The state fire marshal or any sheriff, police officer or constable shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

Penalties.

Section 7. **Penalties.** Any person, firm, co-partnership, association or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars ($100.00) or in the case of individuals, the members of a partnership and the responsible officers and agents of an association or corporation, by imprisonment in the county jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

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CHAPTER 144

An Act to Amend Section 1704 of the Revised Codes of Montana of 1935, Relating to Powers of County Commissioners in Making Levies for Bridge Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1704 R. C. M. amended.

Section 1. That Section 1704 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Bridge tax, levy and collection.

"Section 1704. **Bridge Tax—Levy and Collection.** The board of county commissioners may levy a special tax not to exceed *three (3)* mills on the dollar of the taxable property of the county for the purpose of constructing, maintaining and repairing free public bridges; provided, however, that an additional levy for such bridge purposes may be made under conditions as follows: In counties where the total linear feet of bridges or bridge construction is in excess of four thousand (4000) feet and the taxable value of property in said county is four million dollars ($4,000,000.00) or less, the county commissioners may, if they find such to be necessary, levy one (1) mill in addition to the *three (3)* mills before herein provided for; in counties where the total linear feet of bridges or bridge construction is in excess of six thousand (6000) feet and the taxable value of property in said county is not less than four million dollars ($4,000,000.00), nor more than twelve million dollars ($12,000,000.00), the county commissioners may, if they find such to be necessary, levy two (2) mills in addition to the *three (3)* mills before herein provided for. Such taxes must be levied and collected in the same manner as other taxes, and the money, when collected and paid into the county treasury, must be kept as a special bridge fund, subject to the order of the board of county commissioners, to be used in the construction, maintaining and repairing at such places as said board directs; provided such additional special bridge fund herein provided for shall not be transferable to any other fund."

Special bridge fund.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1947.

CHAPTER 145

An Act to Amend Section 1617 of the Revised Codes of Montana of 1935, Relating to Powers of County Commissioners in Making Levies for Highway Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1617 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 1617 R. C. M. amended.

"Section 1617. **Road Tax Levy—General Road Tax.** For the purpose of raising revenue for the construction, maintenance, and improvement of public highways, the board of county commissioners of each county in this state may in their discretion levy and cause to be collected a general tax upon the taxable property in the county of not more than *ten (10)* mills on the dollar, which shall be payable to the county treasurer with other general taxes. Road tax levy. There is also established a general road tax of two dollars ($2.00) per annum on each male person over the age of twenty-one (21) years, and under the age of fifty (50) years, inhabitant within the county, and payable by each person liable therefor at any time within the year. General road tax. The collection of these taxes shall be under the direction of the board of county commissioners; taxes from freeholders to be collected the same as other taxes, and from non-freeholders as commissioners may direct; provided, that the foregoing provisions of this section shall not apply to incorporated cities and towns which, by ordinance, provide for the levy and collection of a like general tax and a like special tax within such cities and towns for road, street, and alley purposes. Provisions not applicable to certain cities and towns. All moneys collected under the provisions of this act shall belong to the general road fund of the county." General road fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1947.

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CHAPTER 146

An Act to Amend Section 6903 of the Revised Codes of Montana of 1935, Relating to the Release of Oil and Gas Leases, Authorizing Actions Therefor, and the Giving of Notice of Termination, the Form of Notice and Proof of the Service Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6903 R. C. M. amended.

Section 1. That Section 6903 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 6903. **Action to Compel Release—Damages—Attorney's Fees.** Should the owner of such lease neglect or refuse to execute a release as provided by this Act, then the owner of the leased premises may sue in any court of competent jurisdiction to obtain such release, and he may also recover in such action of the lessee, his successor or assigns, the sum of one hundred dollars ($100.00) as damages, and all costs, together with a reasonable attorney's fee for preparing and prosecuting the suit, and he may also recover any additional damages that the evidence in the case will warrant. In all such actions writs of attachment may issue as in other cases. If, in such action, the plaintiff fails to establish the forfeiture of the lease, an attorney's fee must be allowed to the holder of the lease. Issues in regard to such fees shall be determined in the same manner as other issues in such actions.

Action to compel release.

Damages and attorney's fee.

Additional remedy in certain cases.

"When, by its terms, any such oil and/or gas lease has expired and is subject to forfeiture for non-performance and more than three (3) years has elapsed since said expiration, the owner of the leased premises may, in addition to all other remedies, serve a written notice on said lessee or on the assignee thereof, which notice shall state the name of the lessor, the lessee, and the assignee thereof if assigned; the date of the lease; the date of the expiration thereof; description of the lands leased; the place, book and page where recorded; and shall state that unless said lease is released of record, or the lessee or the assignee thereof shall, within sixty (60) days from the date of service thereof, file an affidavit in the county clerk's office in the county wherein such lease is recorded and deliver a copy thereof to the owner of the leased lands

Procedure contents of notice.

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stating that said lease is in effect, otherwise, said lease shall be terminated and of no effect and shall cease to be a lien upon the lands described therein.

"If the lessee or the assignee thereof resides in the county where said lease is recorded, the notice shall be personally served on said person or persons. If said lessee or the assignee thereof does not reside in said county, but his, her or its address appears on the records in that county clerk's office, or is otherwise known, such notice shall be mailed by registered mail to such person, or persons, at such address, and in addition thereto, such notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the county in which said lands are situated, and said notice shall likewise be published in the manner as above provided if the address of the lessee or assignee is unknown. The date of service of said notice, if served personally; the date of mailing, if served by mail; and the first date of publication of said notice, if published, must be at least sixty (60) days before the date of termination referred to in said notice. Upon the expiration of the time mentioned in said notice, if the affidavit of the lessee or assignee has not been filed as herein provided, the owner of the leased lands shall file an affidavit of service thereof in the county clerk's office of said county and the affidavit shall be kept as a permanent file in his office, and such proof of notice when so filed shall be prima facie evidence of the sufficiency of the notice, and from and after the filing thereof said lease shall be terminated and the lands released from the lien thereof."

Service of notice.

Affidavit of service.

Termination of lease.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1947.

CHAPTER 147

An Act to Amend Section 5039.83, Revised Codes of Montana, 1935, Giving City or Town Council Power to Acquire Landing Fields For Aircraft By Gift, Purchase or Condemnation; to Give Such City or Town Council

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Power to Acquire Landing Fields or Parking Areas For Aircraft, By Lease, Gift, Purchase or Condemnation, and Parking Areas for Automobiles and Other Vehicles By Lease, Gift or Purchase.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5039.83 R. C. M. amended.

Section 1. That Section 5039.83, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Lands for landing fields or parking areas, power of city or town council to acquire.

"Section 5039.83. The city or town council has power: To acquire *by lease,* gift, purchase or condemnation *lots or* lands for landing fields *or parking areas* for aircraft, within or without the corporate limits of the municipality, *and to acquire by lease, gift, or purchase lots or lands for parking areas for automobiles within the corporate limits of the municipality,* and to exercise municipal jurisdiction over the *lots or lands* where such *lots or* lands, or any portion thereof, are without the corporate limits of the municipality, to the same extent as though they were within such corporate limits, *provided that no city or town shall erect structures on said lots or lands for the purpose of parking automobiles but shall be permitted to surface or semi-surface such lots or lands for parking purposes only.*"

Proviso.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1947.

CHAPTER 148

An Act to Amend Section III of Part IV of Chapter 82 of the Laws of 1937, as Amended By Chapter 213, Laws of Montana, 1943, Relating to the Eligibility for Assistance In Aid to Dependent Children.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. III, Ch. 82 laws of 1937 as amended further amended.

Section 1. That Section III of Part IV of Chapter 82 of the Laws of 1937, as amended by Chapter 213, Laws of Montana, 1943, be amended to read as follows:

"Section III. **Eligibility for Assistance in Aid to Dependent Children.**

Assistance shall be granted under this part to any needy dependent child—as defined in Section I—who;

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(a) Is living in a suitable family home meeting the standards of care and health fixed by the laws of this state and the rules and standards of the state department thereunder. Eligibility for assistance in aid to dependent children.

(b) Is in need of such assistance—as defined in Section I.

(c) Who has resided in the state for one year immediately preceding the *date of* application *for assistance, or if the mother has resided within the state for one year immediately preceding such application, and her child is born in the state within such year.* Any dependent child meeting the above requirements shall be entitled to the assistance herein provided for but the state shall pay the full amount of such assistance unless and until the child has been a resident of the county for a period of six (6) months, or, unless the child is less than six (6) months old and its mother shall have resided in the county before the birth of such child for a period of time which added to the period of time of the residence of such child in the county shall constitute a total of six (6) months." Residence in state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1947.

CHAPTER 149

An Act to Amend Sections 1, 3 and 4 of Chapter 69, of the Montana Session Laws of 1945, Relating to the Levy of a Special Tax for the Purpose of Post-War Construction, Repair, and Maintenance of Public Highways and Bridges; to Provide For the Release of Such Accumulated Funds After April 1, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Sections 1, 3 and 4 of Chapter 69 of the Montana Session Laws of 1945 are amended to read as follows: Sections 1, 3 and 4, Ch. 69, laws of 1945 amended.

"Section 1. For the purpose of accumulating and providing post-war funds for the construction, improvement, repair and maintenance of public highways and bridges, the board of county commissioners of each county in this County commissioners authorized to levy special tax for post-war purposes.

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state may, in their discretion, levy and cause to be collected during each or either of the fiscal years beginning July 1, 1945 and ending June 30, 1946, and beginning July 1, 1946 and ending June 30, 1947, a special tax upon the taxable property in the county lying outside of the corporate limits of incorporated cities and towns, of not more than five (5) mills on the dollar, which shall be payable to the county treasurer with other taxes, which levies shall be in addition to all other levies now authorized by law to be made for road and bridge purposes. All moneys derived from such levies shall be placed in a special road and bridge fund and shall be kept separate from all other road and bridge moneys."

Special road and bridge fund.

Expenditure of fund.

"Section 3. No expenditures for any purpose whatever shall be made from such special road and bridge fund until after *April 1, 1947. After* such date the board of county commissioners of any county having such fund may thereafter provide for the expenditure thereof for the purpose of constructing, improving, repairing, and maintaining the public highways and bridges of the county; provided that no expenditure in excess of ten thousand dollars ($10,000.00) for any single purpose as defined in Section 4630.2, Revised Codes of Montana, 1935, shall be made from such fund without the approval of a majority of the electors voting on the question of such expenditure at an election to be provided by law."

Proviso.

Budget to be adopted.

"Section 4. *After April 1, 1947,* the board of county commissioners of any county having such special road and bridge fund *may* adopt a budget making appropriations therefrom for the construction, improvement, repair and maintenance of the public highways and bridges in the county for the remaining portion of the then current fiscal year, notice thereof being given, hearing thereon had and such budget adopted in the manner provided for emergency budgets by Section 4613.6, Revised Codes of Montana, 1935, as amended by Chapter 170, Session Laws, 1943; for each fiscal year thereafter when any moneys are to be expended therefrom, the county budget shall contain and set forth a separate section as a budget for such special road and bridge fund, and all of the provisions of the county budget law shall apply thereto; provided, however, that at any time after the close of the fiscal year ending June 30, 1947, the board of county commissioners may in their discretion, instead of providing

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a separate budget for the expenditure of any moneys then in such special fund, transfer the same to the county road fund or to the county bridge fund or transfer a part thereof to each of such funds."

Effective date.

Section 5. This act shall be in full force and effect on and after its passage and approval.

Budget act not applicable.

Section 6. All provisions herein shall be deemed and held valid notwithstanding the provisions of the budget act.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1947.

CHAPTER 150

An Act to Amend Section 5465 of the Revised Codes of Montana, 1935, Relating to the Department of Public Safety and the Police and Fire Departments In Cities Operating Under the Commission Manager Plan of Government; Providing for the Authority of the City Commission In the Composition of Police and Fire Departments; Making Applicable All of the Provisions of Chapter 390, Revised Codes of Montana, 1935, as Amended, to the Police Departments of All Cities and Towns Under Said Commission Manager Plan of Government; Making Applicable All of the Provisions of Chapter 391, Revised Codes of Montana, 1935, as Amended and All of the Provisions of Chapter 15 of the Laws of the Twenty-Fifth Legislative Assembly, 1937, and All of the Provisions of Chapter 136 of the Laws of the Twenty-Sixth Legislative Assembly, 1939, to the Fire Departments of All Cities and Towns Under Said Commission Manager Plan of Government; Repealing All Acts and Parts of Acts In Conflict Herewith and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5465 R. C. M. amended.

Section 1. That Section 5465, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"5465. **Department of Public Safety—Police and Fire**

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Director of public safety.

Departments. Subject to the supervision and control of the city manager in all matters, the director of public safety shall be the executive head of the division of police and fire. He shall also be the chief administrative authority in all matters affecting the inspection and regulation of the erection, maintenance, repair and occupancy of buildings as may be ordained by the commission or established by the general law of the State of Montana. He shall also be charged with the enforcement of all laws and ordinances relating to weights and measures.

Chief of police.

"The chief of police shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force, under such rules and regulations as the director of public safety may prescribe.

Police force.

The police force shall be composed of a chief of police and such officers, patrolmen and other employees as the city manager may determine.

Additional patrolmen, in emergency.

In case of riot, *or in event of* emergency, *or* at time of elections or similar occasions, the director of public safety may appoint additional patrolmen and officers for temporary service who need not be in the classified service.

Authority for appointment of.

"No person shall act as special policeman, special detective or other special police officer for any purpose whatsoever, except upon the written authority of the director of public safety. Such authority shall be exercised only under the direction and control of the chief of police and for a specified time.

Fire chiefs.

"The fire chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the fire force under such rules and regulations as the director of public safety may prescribe.

Fire force.

The fire force shall be composed of a chief and such other officers, firemen and employees as the city manager may from time to time determine.

Temporary firemen in emergency.

In case of riot, conflagration or emergency, the director of public safety may appoint additional firemen and other officers for temporary service who need not be in the classified service.

Other statutes made applicable.

"Chapter 390, Revised Codes of Montana, 1935, (Sections 5095 to 5108.17, Revised Codes of Montana, 1935, inclusive) shall in all respects be applicable to and govern the police departments of all cities and towns under the commission manager form of government provided for herein and the provisions of Chapter 391 Revised Codes of Montana, 1935 (Sections 5109 to 5140 Revised Codes

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of Montana, 1935, inclusive), and Chapter 15, Laws of the twenty-fifth legislative assembly of Montana, 1937, and all of the provisions of Chapter 136 of the Laws of the twenty-sixth legislative assembly, 1939, shall in all respects be applicable to and govern fire departments of all cities and towns operating under the said commission manager plan of government, said chapters and sections shall apply and govern, notwithstanding any renumbering, or rearrangement of the same in any revision of the codes.

Application of act limited.

"Nothing herein shall *affect*, impair, restrict or repeal any provisions of general law authorizing the levying of taxes to provide for firemen, police and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds."

Separability of act.

Section 2. If any clause, sentence, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 151

An Act to Amend Sections 5109, Revised Codes of Montana, 1935, as Amended By Chapter 4 of the Laws of the Twenty-Fifth Legislative Assembly, 1937, and to Amend Sections 5110 and 5111, Revised Codes of Montana, 1935, Relating to the Supervision Over the Fire Departments In All Cities and Towns and Appointment and Confirmation of Members of Fire Departments In All Cities and Towns Under Whatever Form of Municipal Government They May Operate; Making All the Provisions of Chapter 391 of the Political Code, Revised Codes of Montana, 1935, Sections 5109 to 5140, Inclusive, Revised Codes of Montana, 1935, as Amended, and

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of Chapter 15 of the Laws of the Twenty-Fifth Legislative Assembly, 1937, and All the Provisions of Chapter 136 of the Laws of the Twenty-Sixth Legislative Assembly, 1939, Applicable to the Fire Departments of All Cities and Towns Under Whatever Form of Municipal Government They May Operate; and to Who Shall Have the Power to Suspend Members Thereof; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5109 R. C. M. as amended further amended.

Section 1. That Section 5109, Revised Codes of Montana, 1935, as amended by Chapter 4 of the Laws of the Twenty-Fifth Legislative Assembly, 1937, be and the same is hereby amended to read as follows:

Fire department provided for cities and towns.

"5109. There shall be in every city and town of this state a fire department, which shall be organized, managed and controlled as in this Act provided, *said Act (being Sections 5109 to 5140, Revised Codes of Montana, 1935, as amended, and the provisions of Chapter 15 of the Laws of the twenty-fifth legislative assembly, 1937, and all of the provisions of Chapter 136 of the Laws of the twenty-sixth legislative assembly, 1939) shall in all respects be applicable to and shall govern and control fire departments in every such city or town organized under whatever form of municipal government now existing or hereafter provided for or whichever said city or town shall adopt, the provisions of any law to the contrary notwithstanding.*

Council to have charge of.

The council of cities and towns shall have charge of and supervision over the fire department thereof, with power to regulate its duties, to maintain a fire alarm telegraph, to erect engine, hose and hook-and-ladder houses, and provide engines and other implements and apparatus for the extinguishing of fire, and make such other ordinances not inconsistent with the provisions of this act and the other laws of the state for the government, direction and management of the fire department."

Sec. 5110 R. C. M. amended.

Section 2. That Section 5110 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Fire department to consist of what.

"5110. **Fire Department to Consist of What—Compensation.** Such fire department, when established, may consist of one chief of the fire department, as many as-

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sistant chiefs of the *fire* department, and such number of firemen as the council *or commission* may from time to time provide, and may also include a city electrician, and as many assistant electricians as the council *or commission* may from time to time provide. The compensation of the chief of the fire department and assistant chiefs of the fire department and firemen, in cities and towns where the council *or commission* shall establish a paid fire department, and said city electrician and assistant city electricians, shall be fixed by ordinance. The mayor *or manager* shall nominate, and, with the consent of the council *or commission*, appoint the chief of the fire department, and assistant chief or chiefs of the fire department, and all firemen, and *each* appointment shall be first made for a probationary term of six (6) months, and thereafter the mayor *or manager* may nominate, and, with the consent of the council *or commission*, appoint such chief and assistant chief or chiefs of the fire department and firemen, who shall thereafter hold their *respective* appointments during good behavior, and while they have the physical ability to perform their duties. The chief of the fire department, and the assistant chief or chiefs of the fire department, and the firemen, shall not be deemed officers of the municipal corporation in which such fire department is established."

Chief and other fire department personnel appointment and compensation of.

Section 3. That Section 5111 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 5111 R. C. M. amended.

"5111. **Powers of Mayor** *or Manager* **to Suspend Firemen.** The mayor *or manager* may suspend the chief and assistant or any fireman of the fire department for neglect of duty or a violation of any of the rules and regulations of the fire department; the chief of the fire department may suspend the assistant chief of the fire department or any fireman, and the assistant chief of the fire department may suspend any fireman for a like cause. In all cases of suspension the person suspended must be furnished with a copy of the charge against him in writing, setting forth reasons for the suspension, and such charges must be presented to the next meeting of the council *or commission* and a hearing had thereon, when the suspended member of the fire department may appear in person or by counsel and make his defense to said charges; if such charges are found proven by the council

Powers of mayor or manager to suspend firemen.

Procedure.

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or commission, the council *or commission*, by a vote of a majority of the whole council *or commission*, may impose such penalty as it shall determine the offense warrants, either in the continuation of the suspension for a time limited, or in the removal of the suspended person from the fire department; should the charges be not presented to the next meeting of the council *or commission* after the suspension, or should the charges be found not proven by the council *or commission*, the suspended person shall be reinstated and be entitled to his usual compensation for the time so suspended."

Application of act.

Section 4. This act shall apply to organized fire departments in every city and town of the State of Montana regardless of the form of government under which said city or town may be operating or may at any time adopt.

Separability of act.

Section 5. If any clause, sentence, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 152

An Act to Amend Sections 5095, 5096, 5097, Revised Codes of Montana, 1935, and Section 5098, Revised Codes of Montana, 1935, as Amended by Chapter 96 of the Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to Supervision Over the Police Department in All Cities and Towns, and Appointment and Confirmation of Members of the Police Department in Cities and Towns Under Whatever Form of Municipal Government They May Operate; Making the Provisions of Chapter 390 of the Political Code, Revised Codes of Montana, 1935 (Sections 5095 to 5108.17 Inclusive, Re-

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vised Codes of Montana, 1935, and All Amendments Thereto), Applicable to the Police Departments of All Cities and Towns Under Whatever Form of Government They May Operate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5095, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 5095 R. C. M. amended.

"5095. There shall be in every city and town of this state a police department which shall be organized, managed, *conducted* and controlled as in this act provided, *said act (being Sections 5095 to 5108.17 Revised Codes of Montana, 1935, as amended), shall in all respects be applicable to and shall govern and control police departments in every such city or town organized under any form of municipal government now existing or hereafter provided for, the provisions of any law to the contrary notwithstanding.*" Police department provided for.

Section 2. That Section 5096, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 5096 R. C. M. amended.

"5096. **Mayor** *or in Those Cities Operating Under the Commission-Manager Plan, the Manager Thereof, to* **Have Charge of Police Department.** The mayor *or in those cities operating under the commission-manager plan, the manager thereof,* of all cities and towns shall have charge of and supervision over the police department thereof. He shall appoint all the members and officers thereof. Subject to the provisions of this act, he shall have the power to suspend or remove any member or officer of the force. He shall make rules and regulations, not inconsistent with the provisions of this act, the other laws of the state, or the ordinances of the city or town council, for the government, direction, management, and discipline of the police force." Mayor or manager to have charge of.

Section 3. That Section 5097, Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows: Sec. 5097 R. C. M. amended.

"5097. **Terms of Members of Police Force.** All appointments to the police force must be appointed by the mayor *or in those cities operating under the commission-* Terms of members of police force.

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manager plan, the manager thereof, and confirmed by the city council *or commission*, but no such appointment must be made, until an application for such position on the police force has been filed with the mayor *or in those cities operating under the commission-manager plan, the manager thereof*, and by him referred to the police commission, where such commission exists, and such applicant has successfully passed the examination required to be held by such police commission, and a certificate from such police commission that the applicant has qualified for such appointment has been filed with the mayor *or in those cities operating under the commission-manager plan, the manager thereof*. Every applicant who has passed such examination and received such certificate must first serve for a probationary term of not more than six months. At any time before the end of such probationary term, the mayor *or in those cities operating under the commission-manager plan, the manager thereof*, may revoke such appointment. After the end of such probationary period, and within thirty days thereafter, the appointment of such applicant must be submitted to the city council *or commission*, and if such appointment is confirmed by the city council *or commission*, such applicant becomes a member of the police force, and shall hold such position during good behavior, unless suspended or discharged as provided by law."

Sec. 5098 R. C. M. as amended further amended.

Section 4. That Section 5098, Revised Codes of Montana, 1935, as amended by Chapter 96 of the Laws of the twenty-sixth legislative assembly, 1939, be and the same is hereby amended to read as follows:

Police commission required in first and second class cities.

"5098. **Police Commission Required in First and Second Class Cities—Other Cities and Towns May Provide for Commission by Ordinance.** In cities of the first and second class the mayor *or in those cities operating under the commission-manager plan, the manager thereof*, shall nominate, and with the consent of the city council *or commission* appoint three residents of such city, who shall have the qualifications required by law to hold a municipal office therein, and who shall constitute a board to be known by the name of 'police commission' who shall hold office for three years, and that one such member must be appointed annually, at the first regular meeting of the city council *or commission* in May of each year. Provided, that at the first meeting of the council *or commission* in

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the month of May after the passage of this act, the mayor *or in those cities operating under the commission-manager plan, the manager thereof,* subject to the approval of the council *or commission,* shall appoint three members of such police commission, one to serve for one year, one for two years and one for three years from the date of their appointment and confirmation. Terms.

The compensation of the members of such board shall be fixed by the city council *or commission* not to exceed ten dollars per day, nor more than fifty dollars per month for any month for each member in cities of the first and second class. Compensation.

The council *or commission* of any town or city, other than a city of the first and second class, may provide by ordinance for such a police commission in any such city or town." Towns or cities of other classes.

Section 5. This act shall apply to organized police departments in every city and town of the State of Montana regardless of the form of government under which said city or town may be operating or may at any time adopt. Application of act.

Section 6. If any clause, sentence, section or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid and inoperative. Separability of act.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 8. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 3, 1947.

CHAPTER 153

An Act to Amend Section 5070, Revised Codes of Montana, 1935, as Amended by Chapter 18, Montana Session Laws, 1939, Relating to Limits Under Which Municipal Corporations May Purchase Supplies, Etc., Without Ad-

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vertisement; Raising Such Limits to One Thousand Dollars ($1,000.00).

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5070 R. C. M. as amended further amended.

Section 1. That Section 5070 of the Revised Codes of Montana, 1935, as amended by Chapter 18, Montana Session Laws, 1939, be amended to read as follows:

Contracts which must be let to lowest responsible bidder.

"Section 5070. All contracts for work, or for supplies, or for material, for which must be paid a sum exceeding *one thousand dollars ($1,000.00),* must be let to the lowest responsible bidder after advertisement for bids; provided that no contract shall be let extending over a period of three (3) years or more without first submitting the question to a vote of the taxpaying electors of said city or town. Such advertisement shall be made in the official newspaper of the city or town, if there be such official newspaper, and if not it shall be made in a daily newspaper of general circulation published in the city or town, if there be such, otherwise in a weekly newspaper published therein, if there be such, otherwise by posting in three (3) of the most public places in the city or town.

Publication or posting of advertisement for bids.

Such advertisement if by publication in a newspaper shall be made twice, the first publication to be made not more than twenty-two (22) days nor less than fifteen (15) days before the consideration of bids and the second publication shall be made not less than five (5) days nor more than ten (10) days before the consideration of bids. If such advertisement is made by posting, fifteen (15) days must elapse, including the day of posting, between the time of the posting of such advertisement and the day set for considering bids. The council may postpone action as to any such contract until the next regular meeting after bids are received in response to such advertisement, may reject any and all bids and readvertise as herein provided. The provisions of this section as to advertisement for bids shall not apply upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot or insurrection, or any other similar emergency, but in such case the council may proceed in any manner which, in the judgment of three-fourths (¾) of the members of the council present at the meeting, duly recorded in the minutes of the proceedings of the council by aye and nay vote, will best meet the emergency and serve the public interest. Such emergency shall be declared and recorded

In case of emergency.

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at length in the minutes of the proceedings of the council at the time the vote thereon is taken and recorded."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 154

An Act Authorizing and Directing the Unemployment Compensation Commission of Montana to Have Transferred the Sum of $12,353.71 From the Unemployment Trust Fund for the State of Montana, Established and Maintained Pursuant to Section 904 of the Federal Social Security Act, as Amended, to the Railroad Unemployment Insurance Account, Established and Maintained Pursuant to Section 10 of the Federal Railroad Unemployment Insurance Act, as Amended; This Amount Being the Excess of the Contributions Over Benefits Paid From Contributions Collected From the Somers Lumber Company and the Glacier Park Company Covering Employees of Said Companies Who Have Been Determined as Being Rightly Covered Under the Railroad Unemployment Insurance Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Unemployment compensation commission directed to have transferred $12,353.71 to the railroad unemployment insurance account.

Section 1. Notwithstanding any of the requirements of Section 9 of the Montana unemployment compensation law, Chapter 137 of the laws of the twenty-fifth legislative assembly of Montana, 1937, as amended by Chapter 190 of the laws of the twenty-ninth legislative assembly of Montana, 1945, the unemployment compensation commission of Montana shall, upon the passage and approval of this act, authorize and direct the secretary of the treasury of the United States to transfer from the unemployment trust fund for the State of Montana, established and maintained pursuant to Section 904 of the federal social security act, as amended, to the railroad unemployment insurance account, established and maintained pursuant to Section 10 of the railroad unemployment insur-

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ance act (52 Stat. 1094), the amount of twelve thousand, three hundred fifty-three and 71/100 dollars ($12,353.71) as full and complete settlement of all contributions collected on wages paid employees of the Somers Lumber Company and Glacier Park Company who are covered by the railroad unemployment insurance act; and the unemployment compensation commission of Montana is authorized and directed to take any other or further steps necessary to accomplish the transfer of said amount.

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 155

An Act to Amend Section VI of Part II of Chapter 82 of the Laws of the 25th Legislative Assembly, 1937, as Amended by Chapter 117 of the Laws of the 27th Legislative Assembly, 1941, Relating to Medical Aid and Hospitalization for Persons Unable to Provide Such Necessities for Themselves and Providing That in Automobile Accident Cases, Such Medical Aid and Hospitalization Shall Be Paid for by the County Wherein the Accident Occurs and Such County Reimbursed by the State Department of Public Welfare, Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. VI of part II, Ch. 82, laws of 1937, as amended, further amended.

Section 1. That Section VI of Part II of Chapter 82 of the laws of the 25th legislative assembly, 1937, as amended by Chapter 117 of the laws of the 27th legislative assembly, 1941, be and the same is hereby amended to read as follows:

Medical aid and hospitalization.

"Section VI. **Medical Aid and Hospitalization.** Medical aid and services and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of county commissioners to make provisions for competent

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and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental services as approved by the dental association. 'Medical' or 'medicine' as used in this act refers to the healing art as practiced by licensed practitioners.

Cost of medical aid, services and temporary hospitalization.

It is provided, however, that the cost of medical aid and services and of temporary hospitalization for recipients of old age assistance, of aid to dependent children and of aid to needy blind may be added to each one of these forms of assistance so long as the total monthly grant to any person does not exceed the amount in which the federal government will participate; and provided further, that necessary expenditures for these purposes, in excess of the amounts in which the federal government will participate, shall be paid from the county poor fund, *and provided further that in automobile accident cases wherein transients traveling through the State of Montana are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county in full upon proper claim being made to the department of public welfare.*"

Transients injured in automobile accidents.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 156

An Act to Amend Chapter 153 of the Session Laws of Montana of 1945 Relating to Benevolent Associations and Their Method of Transacting Business in the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 6, Ch. 153 laws of 1945 amended.

Section 1. That Section 6 of Chapter 153 of the Session Laws of Montana of 1945 be amended to read as follows:

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Death notice and assessment procedure.

"Section 6. Death notice must be mailed to each member in good standing within thirty (30) days of receipt of *completed* proof of *claim for* death of a member, stating the expiration date of assessment payment, and giving the name, date, and place of death of deceased member. Each death claim shall be assigned a number, which numbers shall be consecutive for each calendar year, and each assessment notice shall show the death number to which it applies. Each assessment notice shall show the number of members in good standing to whom such notices are being sent, which number shall be computed from the last completed assessment. One such assessment notice shall be sent to the office of the commissioner for filing at the time of each mailing, which notice shall be duplicate in form and information to the notice being sent to the members in good standing. Payment in full on final settlement of death benefits shall be paid by the benevolent association to the legal heir or heirs, or the designated beneficiary or beneficiaries, within twenty (20) days after the expiration date stated on such assessment notice sent to the members in good standing."

Sec. 7, Ch. 153 laws of 1945 amended.

Section 2. That Section 7 of Chapter 153 of the Session Laws of Montana of 1945 be amended to read as follows:

Annual statement of condition to be filed.

"Section 7. (a) It shall be the duty of the officers of each benevolent association incorporated under the laws of this state, or if not incorporated, doing business in this state, and transacting business under this act, annually, on the first day of January, or within sixty (60) days thereafter, to prepare under oath and deposit in the office of the commissioner a full, true and complete statement of the condition of the company on the thirty-first day of December preceding the filing of such statement, which shall exhibit the following items and facts:

Contents of.

"(1) The name and business address of the benevolent association.

"(2) The names and addresses of the officers of the benevolent association.

Number of memberships.

"(3) The number of membership contracts in force at the start of the year; number of memberships in good standing at the close of the year for which the statement

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is made. This information must be made as to each sub-group or class, if any.

"(4) The number of death losses claimed; the number and total amount of death losses paid; the number of death claims compromised, denied or resisted, and why. Death losses.

"(5) The number of assessments in the association or in each sub-group or class, if any; the amount collected in each such assessment; income to the benevolent association from all other sources, and all other fees, assessments, donations, of any kind or nature, except new membership fees from new members. Number of assessments and amount collected.

"(6) The expenses actually incurred during the year; debts unpaid at the start of the year; debts and obligations of any kind (not including death losses actually paid) paid during the year; debts unpaid at the close of the year; a breakdown of expenses to show the amount paid in salaries or commissions, office expense, and other expenses, in those cases where members of a benevolent association are assessed for operating expenses of such association. Expenses and debts.

"(b) The expenses in total amount of each benevolent association shall be limited to ten per centum (10%) of the total amount collected during the year whether assessments, dues, donations, or by whatever name called, except fees collected for new memberships, provided that a minimum amount of fifteen dollars ($15.00) per death loss may be charged for expenses; provided, further, that all expenses of any kind or nature must be within the limits herein described. Expenses, limitation of.

"A benevolent association may, instead of paying expenses as provided in the preceding paragraph, assess each of its members a sum not to exceed three dollars ($3.00) per year, *provided, however, that such assessment may amount to not more than four dollars ($4.00) per year where a membership certificate includes within its protection a family group consisting of two or more persons,* the receipts of which shall be placed in an expense fund, out of which all expenses of the association of any kind or nature shall be paid. The condition of this fund, if this method is chosen, shall be shown in the annual statement. Assessment for expenses.

"The initial membership fee for new members shall in no event exceed five dollars ($5.00). Membership fee.

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Statement of method to be pursued for charging expenses.

"The benevolent association must state in its annual statement whether the expenses for the coming year will be charged on a percentage basis of income as herein provided, or whether the members of the association will be assessed for the same. No association shall use both methods, nor a combination of either.

"(c) Each benevolent association shall comply with all the provisions of Section 6 of this act, and the officers making up the annual statement shall state therein whether this has been done. The benevolent association shall issue a receipt or other evidence of payment to the person making a payment of any kind to the benevolent association.

Receipt for payment.

Attestation of annual statement.

"(d) Two (2) officers of the benevolent association shall attest under oath to the truth of the facts contained in the annual statement. At least one (1) of such officers must have charge of making up the statement.

Filing of statement.

"(e) The annual statement must be filed in the office of the commissioner as hereinbefore provided; a copy thereof certified by the commissioner must be filed by the benevolent association in the office of the county clerk in which the business office of the association is located before the first day of April of each year.

Power of commissioner.

"(f) The commissioner shall have the power to enter and make an examination of the benevolent association to determine the truth of the facts exhibited in the statement, and he shall have the power to require such other information as he may require in the performance of his duties under this act, and to make such rulings as he shall deem necessary."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1947.

CHAPTER 157

An Act to Amend Section 198.3 of the Revised Codes of Montana, 1935, Relating to Funds Included in State Trust and Agency Funds Account, Providing for the Inclusion of Any Funds Designated by the State Board

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of Education Under Chapter 80 of the Political Code of the Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 198.3 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Sec. 198.3 R. C. M. amended.

"198.3. **Funds Included in State Trust and Agency Funds Account.** The fund account above designated as the state trust and agency funds account shall be a general controlling account, recording all financial operations in anywise affecting the funds now carried in the books of the state treasurer and the state auditor, known as the anti hog cholera serum fund; architectural board fund; attorneys license fund; biological survey fund; Carey land act board fund; Carey land filing fund; certified public accountants fund; chiropractic examining board fund; county portion inheritance tax fund; depository interest fund; Dixon endowment fund; educational bond fund series 'A'; educational bond fund series 'B'; educational bond fund series 'C'; embalmers license fund; fire marshal's fund; gasoline license tax fund; hail insurance administration fund; highway commission fund; industrial accident board fund; irrigation commission fund; law library fund; livestock emergency fund; medical board fund; motor vehicle administration fund; protested license tax fund; real estate license fund; stock estray fund; teachers certificate fund; teachers permanent fund; teachers retirement fund; veterans welfare commission fund; *and residence dormitory construction funds as heretofore or hereafter designated by the state board of education under Sections 836.1 to 836.6, inclusive, of the Revised Codes of Montana, 1935, and any acts supplementary to or amendatory of said sections.*"

Funds included in state trust and agency funds account.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 3, 1947.

CHAPTER 158

An Act Providing for the Admission of William H. Carlin, an Honorably Discharged Veteran of the Army of the

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United States, to the Montana Soldiers' Home at Columbia Falls, Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

William H. Carlin declared eligible to admission to soldiers' home.

Section 1. That William H. Carlin, a resident of Boulder, Jefferson County, Montana, permanently and totally disabled by reason of his age of over eighty years and by reason of personal injuries, an honorably discharged veteran of the army of the United States, is hereby declared eligible to admission to the Montana Soldiers' Home at Columbia Falls, Montana.

Admission ordered.

Section 2. The commandant of the Montana Soldiers' Home at Columbia Falls, Montana, is hereby instructed to admit William H. Carlin to said home and to keep and maintain him thereat and to make provision for him therein.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 159

An Act to Repeal Sections 2002.1 and 2002.2 of the Revised Codes of Montana, 1935, Relating to the Assessment of Real Property and Improvements.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 2002.1 and 2002.2 R. C. M. repealed.

Section 1. That Sections 2002.1 and 2002.2 of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

Approved March 3, 1947.

CHAPTER 160

An Act to Provide for the Support of the Government of Montana for the Years 1947 and 1948.

Be it enacted by the Legislative Assembly of the State of Montana:

Tax levies for state purposes for 1947.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1947, as ascer-

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tained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

For state general fund.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the Session Laws of the twenty-third legislative assembly of 1933, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

For university millage fund.

B. For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one-half (3½) mills.

For insane hospital funds.

C. For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one-half (½) of one (1) mill.

Tax levies for state purposes for 1948.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana subject to taxation, for the year 1948, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to-wit:

For state general fund.

A. For the state general fund, including the levy for the issue of four million five hundred thousand dollars ($4,500,000.00) state funding bonds, authorized by Chapter 10 of the Session Laws of the twenty-third legislative assembly of 1933, two (2) mills or so much thereof as the state board of equalization may find necessary under the provisions of Section 2122.13, Revised Codes of Montana, 1935.

For university millage fund.

B. For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure number forty-two (42) and passed by a vote of the people at the general election held November 5, 1940, three and one-half (3½) mills.

For insane hospital funds

C. For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one-half (½) of one (1) mill.

Separability of act.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

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Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1947.

CHAPTER 161

An Act to Amend Sections 1, 3 and 5 of Chapter 131 of the Laws of 1945, Relating to the Creation, Accumulation and Use of Reserve Funds by Elementary Schools, District High Schools and County High Schools, and Providing the Time When and Purposes for Which Such Funds May Be Expended, and the Time During Which Such Act Shall Be Effective, By Providing That July 1, 1947, Shall Be the Date On or After Which Such Reserve Funds Shall Be Expended for the Purposes Herein Provided; by Providing When and for How Long This Act Shall Be in Effect; Providing This Act Shall Be Valid Nothwithstanding the Provisions of the Budget Act; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall Be in Full Force and Effect From and After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 131 laws of 1945 amended.

Section 1. That Section 1 of Chapter 131 of the Laws of 1945, be and the same is hereby amended to read as follows:

Creation of special reserve fund for post-war maintenance, repair and equipment by school trustees authorized.

"Section 1. For the purpose of accumulating and providing post-war funds for the maintenance and repair of buildings and the maintenance, repair and replacement of equipment, *which maintenance and repair of buildings and maintenance, repair and replacement of equipment as provided in this act shall be made on or after July 1, 1947,* the board of trustees of each school district shall have the power, during the life of this act as hereinafter specified, to create a special reserve fund for the elementary school or schools of the district to be designated as the 'elementary deferred maintenance fund of school district No .....'; and if the district maintains a high school or high schools such board of trustees shall likewise have the power, during such time, to create a special reserve fund for such purposes for such high school or schools to be designated as the 'high school deferred maintenance fund of school

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district No. .....'. And for such purposes the board of trustees of any county high school shall likewise have the power, during such time, to create a special reserve fund for such county high school to be designated as the 'county high school deferred maintenance fund'."

Sec. 3, Ch. 131, laws of 1945, amended.

Section 2. That Section 3 of Chapter 131 of the Laws of 1945, be and the same is hereby amended to read as follows:

Expenditure of reserve fund moneys.

"Section 3. None of the moneys transferred to any such reserve fund shall be expended for any purpose before *July 1, 1947*. Beginning with *July 1, 1947*, the moneys in such reserve funds may be expended for the maintenance and repair of school buildings and for the maintenance, repair and replacement of school equipment, but for no other purpose, and the budget for any district or high school for each year, when any expenditures are to be made from any such reserve fund, shall set out in such budget, as near as may be possible the items or purposes for which such expenditures are to be made and the amounts appropriated to meet such expenditures."

Sec. 5, Ch. 131, laws of 1945 amended.

Section 3. That Section 5 of Chapter 131 of the Laws of 1945, be and the same is hereby amended to read as follows:

Effective date of act, and its duration.

"Section 5. This act shall be in full force and effect from and after its passage and approval and shall remain in effect for a period of three *(3)* years after *July 1, 1947*, but no longer."

Budget act not applicable.

Section 4. All provisions herein shall be deemed and held valid notwithstanding the provisions of the budget act.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1947.

CHAPTER 162

An Act to Amend Section 2761 of the Revised Codes of Montana, 1935, as Amended by Chapter 83 of the Session Laws of the Twenty-seventh Legislative Assembly

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Relating to Fire Marshal Tax Levy; Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2761 R. C. M. as amended further amended.

Section 1. That Section 2761 of the Revised Codes of Montana, 1935, as amended by Chapter 83 of the Session Laws of the twenty-seventh legislative assembly, be and the same is hereby amended to read as follows:

Tax for maintenance of department of state fire marshal.

"Section 2761. Each insurance company *authorized to affect insurance on risks enumerated in paragraph one of Section 6136*, doing business in this state shall pay to the state auditor and commissioner of insurance ex-officio, during the month of February or March in each year, in addition to the license fees required by law to be paid by it, provided in Section 6112 of these codes, a tax of one-fourth of one per cent (¼ of 1%) on the *fire portion of the* direct premiums *on such risks* received during the calendar year next preceding, after deducting cancellations and return premiums."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 3, 1947.

CHAPTER 163

An Act to Amend Section 3575.2 of the Revised Codes of Montana of 1935, as Amended by Chapter 146, Session Laws of 1939 Relating to Fees Paid to State Sealer of Weights and Measures, by Increasing the Rates On Certain Class of Scales.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3575.2 R. S. M. as amended further amended.

Section 1. That Section 3575.2 of the Revised Codes of Montana of 1935, as amended by Chapter 146, Session Laws of 1939 be, and the same is hereby amended to read as follows:

Fees to be paid to state sealer of weights and measures.

"Section 3575.2 *Fees to be Paid to State Sealer of Weights and Measures. It shall be the duty of each person, firm, co-partnership, or corporation owning or in possession of a scale or scales to pay to the state sealer*

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of weights and measures or his deputies at the time of inspection of such scale or scales, the following inspection fees: For each railroad track scale the sum of ten ($10.00) dollars; grain shipping hopper scale with a capacity of forty thousand (40,000) pounds or over, *twenty ($20.00)* dollars; wagon scale, truck scale, coal scale, dump scale, automatic or hopper shipping scale, beet scale, and stock scale, *up to and including ten (10) ton capacity, five ($5.00) dollars, from fifteen (15) ton up to and including thirty (30) ton capacity, eight ($8.00) dollars, and forty (40) ton capacity and over, fifteen ($15.00) dollars;* for each dormant platform scale and dial scale with a capacity of five hundred (500) pounds to one thousand (1,000) pounds, two ($2.00) dollars; each portable scale, meat track scale, *hanging scale* and commercial person weighing scale, one ($1.00) dollar; grain testers and other small scales used for weighing and testing grain in grain elevators, or warehouses, fifty (50c) cents; all counter scales with a capacity of one (1) to ten (10) pounds, twenty-five (25c) cents; all counter scales with a capacity of *over ten (10) pounds,* seventy-five (75c) cents. *The sealer of weights and measures, shall by proper regulation, fix inspection fees for any scales, weights, measures, weighing and computing devices not covered by the foregoing schedule of fees.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect January 1, 1948.

Approved March 3, 1947.

CHAPTER 164

An Act to Amend Section 7180 of the Revised Codes of Montana, 1935, Relating to Hours of Election in Irrigation Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 7180 R. C. M. amended.

Section 1. That Section 7180 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Hours of election.

"Section 7180. **Hours of Election.** The polls shall be opened at *one* o'clock *P.M.*, and be kept open until *six* o'clock P.M., when the same shall be closed."

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1947.

CHAPTER 165

An Act to Amend Section 2299 of the Revised Codes of Montana, 1935, Relating to Corporation License Tax, the Return of Net Income to Be Filed, Defining Certain Terms, and Repealing Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2299 R. C. M. amended.

Section 1. That Section 2299 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Corporation license tax, computation of.

"Section 2299. The license fee shall be computed upon the total net income of the corporation received within each preceding calendar year ending December 31; provided, that any corporation subject to this license fee may designate the last day of any month in the year as the day of the close of its fiscal year, and shall be entitled to have the license fee payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment, instead of upon the basis of the net income for the calender year preceding the date of assessment, and it shall give notice to the state board of equalization of the day it has thus designated as the close of its fiscal year, at any time not less than thirty (30) days *prior to the time* its return would be filed if made upon the basis of the calendar year. Every corporation, subject to the license fee herein imposed, shall *for each year hereafter*, for the year ending on the thirty-first day of December, or for its fiscal year selected under the provisions hereof, render a true and accurate return of its annual net income in the manner and form to be prescribed by the state board of equalization, and containing such facts, data and information as are appropriate and in the opinion of the state board of equalization necessary to determine the correctness of the net income returned and to carry out the provisions of this act. The return shall be sworn to by the president, vice-president

Corporation may fix its fiscal year for purpose of ascertaining net income.

Notice to be given to state board of equalization.

Return of income.

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or other principal officer, and by the treasurer, assistant treasurer, or *chief accounting officer. If the corporation is reporting on a calendar year basis the return* shall be filed with the state board of equalization on or before the *thirty-first* day of March in each year, and *if reporting on a fiscal year basis the return shall be filed with said board on or before the last day of the third month following the close of its fiscal year. The term 'net income' means the gross income of the corporation less the allowable deductions. The term 'fiscal year' means an accounting period of twelve (12) months ending on the last day of any month other than December.*

Filing of return.

"Net income" defined.

"In cases wherein receivers, trustees in bankruptcy, or assignees are operating the property or business of a corporation subject to the license fee imposed by this act, such receiver, trustee, or assignee shall make the return in the same manner and form as such corporation is hereinbefore required to make return, and any license fee due on the basis of such returns made by the receiver, trustee, or assignee, shall be assessed and collected in the same manner as if assessed directly against the corporation of whose business or property they have custody and control, and shall be paid by such receiver, trustee, or assignee out of the property of the company in his hands, prior to the claims of creditors or stockholders."

Corporation's property or business operated by receivers, trustees or assignees.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1947.

CHAPTER 166

An Act to Amend Section 2295.1 of the Revised Codes of Montana, 1935, Relating to Income Tax and Defining Terms.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2295.1 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2295.1 R. C. M. amended.

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Income tax —definitions.

"Section 2295.1. **Income Tax—Definitions.** For the purpose of this act unless otherwise required by the context:

(1) The word 'board' means the state board of equalization.

"Taxpayer."

(2) The word 'taxpayer' includes any person or fiduciary subject to a tax imposed by this act, and does not include corporations.

"Taxable year."

(3) The words 'taxable year' means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this act, *and includes the period for which such return is made if made for a fractional part of such year under the provisions of this act or under regulations prescribed by the board.* The words 'fiscal year' mean an accounting period of twelve (12) months, ending on *the last* day of any month other than December thirty-first.

"Fiscal year."

"Fiduciary."

(4) The word 'fiduciary' means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust or estate.

"Paid."

(5) The word 'paid' for the purposes of the deductions and credits under this act means paid or accrued or paid or incurred, and the terms 'paid or incurred' and 'paid or accrued' shall be construed according to the method of accounting upon the basis of which the net income is computed under this act. The term 'received' for the purpose of computation of net income under this act, means received or accrued and the term 'received or accrued' shall be construed according to the method of accounting upon the basis of which the net income is computed under this act.

"Received."

"Resident."

(6) The word 'resident' applies only to natural persons and includes for the purpose of determining liability to the tax imposed by this act with reference to the income of any taxable year, any person domiciled in the State of Montana, and any other person who maintains a permanent place of abode within the state *even though temporarily absent from the state and has not established a residence elsewhere.*

"Dividend."

(7) The word 'dividend' means any distribution made

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by a corporation out of its earnings or profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends as herein defined. 'Stock dividends' means new stock issued, for surplus or profits capitalized, to shareholders in proportion to their previous holdings.

"Foreign country."

(8) The words 'foreign country' or 'foreign government' mean any jurisdiction other than one embraced within the United States. The words 'United States' include the states, the territories of Alaska and Hawaii, and the District of Columbia.

"Information agents."

(9) The words 'information agents' include all individuals, corporations, associations and partnerships, in whatever capacity acting, including lessees, or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the state, or of any municipal corporation or political subdivision of the state, having the control, receipt, custody, disposal or payment, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits and income with respect to which any person or fiduciary is taxable under this act.

"Net income."

(10) The term 'net income' means the gross income of a taxpayer less the deductions allowed by this act."

Act retroactive, as of Jan. 1, 1947.

Section 2. The provisions of this act are hereby declared to be retroactive and effective as of January 1, 1947.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1947.

CHAPTER 167

An Act to Amend Sections 2295.5 and 2295.6, of the Revised Codes of Montana, 1935, Relating to Income Tax, the Requirement of Inventories, Providing for Appli-

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cation to Change Period or Method of Accounting and Computation of Net Income.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2295.5 R. C. M. amended.

Section 1. That Section 2295.5, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Inventories may be required.

"Section 2295.5. **Inventories May Be Required.** Whenever, in the opinion of the board, the use of inventories is necessary in order to determine clearly the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the board may prescribe, conforming as nearly as may be to the best accounting practice in the trade or business and most clearly reflecting the income, *except that the final closing return of a decedent must be made on an inventory basis regardless of the method previously used in calculating net income. The value of the closing inventory shall be the same as the value fixed for inheritance tax purposes regardless of the method previously used by the taxpayer in valuing his inventories, one (1) of the three (3) alternative methods provided for in Section 2295.6, Revised Codes of Montana, 1935, as amended by this act, shall be used in changing from the cash to the inventory basis.*"

Return of a decedent.

Sec. 2295.6 R. C. M. amended.

Section 2. That Section 2295.6, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Computation of net income.

"Section 2295.6. **Computation of Net Income.** (1) The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year as the case may be), in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or the method employed does not clearly reflect the income, the computation shall be made upon such basis and in such manner as in the opinion of the board does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year as defined in this act, or if the taxpayer has no annual accounting period or does not keep books, the net income shall be computed on the basis of the calender year.

Change of accounting period or method.

(2) If a taxpayer, *with the consent of the board,* changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal

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year to another, *or changes from one accounting method to another,* the net income shall, be computed on the basis of such new accounting period, *or new method of accounting,* subject to the provisions of *Sections 2295.18* and 2295.19.

Change of method of calculation of taxable income, alternatives.

(3) *If the taxpayer, with the consent of the board, changes his method of calculating his taxable income from the cash basis to the inventory basis or if the change is made by the board a full opening and closing inventory shall be required in the year of the change. One (1) of the three (3) alternatives shall be used in computing the tax:*

(a) *The total opening inventory shall be returned as income in the year of the change.*

(b) *The total opening inventory shall be offset by the cost of purchases (if they have not been charged to expenses) and the balance of the opening inventory shall be returned as income in the year of change.*

(c) *The total opening inventory shall be offset by the cost of purchases (if they have not been charged to expenses) and the balance of the opening inventory shall be allocated to the year produced or raised; provided that any portion of the opening inventory which is not allocated to the first two (2) preceding years shall be allocated to the third (3rd) preceding year, and the income so allocated shall be taxed at the rates in effect for the year to which allocated.*

Application for change.

(d) *Application for change of accounting period or accounting method shall be made to the board within ninety (90) days after the beginning of the taxable year to be covered by the next return.*

Taxpayers who regularly sell personal property or make casual sales of real estate on installment plan.

(e) A taxpayer who regularly sells or otherwise disposes of personal property *or makes casual sales of real estate where not more than thirty (30%) per cent is collected in the year of sale* on the installment plan, may return as income therefrom in any taxable year, that proportion of the installment payments actually received in that year which the total profit realized, or to be realized, when the payment is completed bear to the total contract price. *If the taxpayer disposes of his installment contract or changes from a resident to a non-resident, the installment privilege is revoked and the balance of the profits*

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immediately become taxable, proper adjustments to be made for discounts or premiums involved in the sale of such contracts."

Provisions of act retroactive to Jan. 1, 1947.

Section 3. The provisions of this act are hereby declared to be retroactive and effective as of January 1, 1947.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1947.

CHAPTER 168

An Act to Amend Section 3913.6 of the Revised Codes of Montana of 1935, Relating to Gasoline Standards and Specifications.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3913.6 R. C. M. amended.

Section 1. That Section 3913.6 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Gasoline standards.

Specifications and tests.

"3913.6. **Gasoline Standards**—*Specifications and Tests.* The standard of quality and strength for gasoline kept for sale or offered for sale within the State of Montana shall *conform to the specifications for gasoline, as fixed and determined from time to time by the American Society for Testing Materials and published in A. S. T. M. Standards, designated W (winter) or S (summer). Gasoline conforming to the standards marked W. or winter, shall be kept for sale and offered for sale during the months of December to March, inclusive, and gasoline conforming to the standards marked S. or summer, shall be kept for sale and offered for sale during the months of May to October, inclusive, and gasoline conforming to either standard may be kept for sale and offered for sale during the months of April and November.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 3. This act shall be in full force and effect from and after July 1, 1947. Effective date.

Approved March 4, 1947.

CHAPTER 169

An Act to Amend Section 13, Chapter 152 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, 1941, as Amended by Section 2 of Chapter 189, Laws of 1943, Relating to the Reimbursement From the State Public School General Fund for Transportation of School Children or Services in Lieu of Transportation.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 13, Chapter 152 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, as amended by Section 2 of Chapter 189, Laws of 1943, be and the same is hereby amended to read as follows: Sec. 13, Ch. 152 laws of 1941, as amended further amended.

"Section 13. **Reimbursements.** (a) Each school district and each county high school meeting the requirements of this act shall be entitled to reimbursement from the state public school general fund in an amount *of* one-third (1/3) of the *schedule provided* for transportation, or services rendered in lieu of transportation, annually on presentation to the state superintendent of public instruction, through the office of the county superintendent of schools, or certified claims for such reimbursement using for such purpose the forms provided by the state superintendent of public instruction. Such reimbursement shall be made in accordance with the provisions of Section 1200.1, 1200.6, 1200.7 and 1200.9 of the Revised Codes of Montana, 1935, except that the schedule provided in this act for individual transportation, or services in lieu thereof, shall be used instead of any schedule which may have been heretofore or may hereafter be fixed and promulgated by the state board of education. In determining the cost of transportation, or services in lieu thereof, no amount shall be included except those which have been paid out by a school district or county high school in the regular manner provided for the pay- Reimbursements.

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ment of other financial obligations for the maintenance of their schools.

Districts maintaining elementary school or transporting elementary pupils to another district.

"(b) Each school district maintaining one or more elementary schools, or providing for the transportation of its elementary pupils to attend school in another district, meeting the requirements of this act, shall be entitled to reimbursement from the county common school fund provided by the tax levy authorized and made in accordance with the provisions of Section 1202, of one-third (1/3) of the *schedule provided for* transportation, or services rendered in lieu thereof, semi-annually, such reimbursement to be made on duplicates of the certified claims for reimbursement by the state. No apportionment shall be made of such common school fund in either June or December in each year until after such reimbursements therefrom have been made to such school districts."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date; budgets heretofore adopted not affected.

Section 3. This act shall be in full force and effect on and after its passage and approval, but shall not affect in any manner whatever elementary and high school budgets heretofore adopted for the school year July 1, 1946 to June 30, 1947 inclusive.

Approved March 4, 1947.

CHAPTER 170

An Act to Amend Section 2191 R. C. M. 1935, Relating to Tax Sales and to Make said Section Conform to the Provisions of Section 2207 R. C. M. 1935, as Last Amended by Section 1, Chapter 24, Session Laws of Montana, 1939.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2191 R. C. M. amended.

Section 1. That Section 2191 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 2191. The owner or person in possession of any real estate offered for sale for taxes due thereon may

Designation of portions to be sold.

designate in writing to the county treasurer, prior to the sale, what portion of the property he wishes sold, if less than the whole, but if the owner or possessor does

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not make such a designation, then the county treasurer shall sell the said real estate so offered for sale in its entirety, and in case there is no purchaser in good faith for the same, as provided in this code, on the first day that the property is offered for sale, then the whole amount of the property assessed must be struck off to the county as the purchaser, and the duplicate certificate thereof delivered to the county treasurer and filed by him in his office. No charge must be made for the duplicate certificate when the county is a purchaser; and in such case, the county treasurer must make an entry "sold to the county" on the duplicate assessment book opposite the tax, and he must be credited with the amount thereof in the settlement. *The interest of the county in any property purchased at a tax sale shall be assigned by the county treasurer as provided by Section 2207 R. C. M. 1935, as last amended by Section 1, Chapter 24, Session Laws of Montana of 1939, upon the payment of the taxes, penalties, costs and interest specified in said section.* All certificates of sale heretofore issued to any county on the purchase by such county of real property sold at any delinquent tax sale and which certificates of sale are now held by such county, are hereby declared to be valid and subsisting certificates of sale for all purposes, notwithstanding any irregularities in the manner of publishing the delinquent tax list, or in holding such sale, or in selling such property or in the issuance of such certificates of sale, or in the form thereof, provided the taxes for which such property was sold were taxes authorized by law to be assessed against such property, and were lawfully assessed against the same and have not been paid."

Sale to county.

Assignment of interest of county.

Validation of certificates of sale to counties heretofore issued.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1947.

CHAPTER 171

An Act to Amend Section 2214.2 of the Revised Codes of Montana, 1935, as Amended by Chapter 132 of the Session Laws of Montana of 1937, and by Chapters 94 and 105 of the Session Laws of Montana of 1939, Relating to Validation of Tax Deeds.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2214.2 R. C. M. as amended further amended.

Section 1. That Section 2214.2 of the Revised Codes of Montana, 1935, as amended by Chapter 132 of the Session Laws of Montana, 1937, and by Chapters 94 and 105 of the Session Laws of Montana of 1939, be, and the same is hereby amended to read as follows:

Validation of tax deeds.

"Section 2214.2. **Validation of Tax Deeds.** *No* tax deed heretofore issued in this state shall be held invalid by reason of any defect in the form, substance or amounts stated to be due in the notice of application for tax deed, or *for* failure to give the full sixty (60) day notice required by Section 2209 of the Revised Codes of Montana of 1935, provided, however, at least thirty (30) days notice of the time when the deed was applied for was given. All tax deeds heretofore issued are legalized and declared to be valid and legal regardless of any error, defect, omission, irregularity, or failure to correctly state the amount due in the notice of application for tax deed. This act shall not apply to any case where, prior to *its* passage and approval, the owner of land or *the* party entitled to redeem shall pay or tender to the owner or holder of the tax deed or the county treasurer of the county wherein the land described in said tax deed is situated, the amount actually due for taxes, penalty and interest at the time when said money is so tendered. In all cases where notice of the amount of taxes then due has been *given* to the parties interested and *has been* published in accordance with the laws then in effect and the taxes remain unpaid, tax deed may be issued under such proceedings, already so initiated and when so issued and delivered, such deeds shall be within the intent and purview of this act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1947.

CHAPTER 172

An Act to Amend Section 2295.26 R. C. M. 1935, Relating to the Levy Upon and Sale of Property for Payment of Income Taxes.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2295.26 R. C. M. amended.

Section 1. That Section 2295.26 R. C. M. 1935, be, and the same is hereby amended to read as follows:

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"Section 2295.26. **Levy Upon and Sale of Property for Payment of Income Taxes.** If any tax imposed by this act or any portion of such tax is not paid within sixty (60) days after the same becomes due, the board shall issue a warrant under its official seal directed to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the person owing the same, found within his county, for the payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant, and to return such warrant to the board and pay to it the money collected by virtue thereof by a time to be therein specified, not more than sixty (60) days from the date of the warrant. The sheriff shall within five (5) days after the receipt of the warrant, file with the *clerk of the district court* of his county a copy thereof, and thereupon the clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the taxpayer mentioned in the warrant, and in appropriate columns, the amount of the tax or portion thereof and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a lien upon the title to and interest in real property or chattels real of the person against whom it is *levied* in the same manner as a judgment docketed in the office of such clerk. The said sheriff shall thereupon proceed upon the same in all respects, with like effect, and in the same manner prescribed by law in respect to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner. In the discretion of the board a warrant of like terms, force and effect may be issued and directed to any agent authorized to collect income taxes, and in the execution thereof, such agent shall have the powers conferred by law upon sheriffs, but shall be entitled to no fee or compensation in excess of actual expenses paid in the performance of such duty. If a warrant be returned not satisfied in full, the board shall have the same remedies to enforce the claim for taxes against the taxpayer as if the people of the state had recovered judgment against the taxpayer for the amount of the tax."

Levy upon and sale of property for payment of income taxes, procedure for.

Powers of agent.

Remedies when a warrant is returned unsatisfied.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1947.

CHAPTER 173

An Act to Amend Section 471 of the Revised Codes of Montana of 1935 Relating to the Approval of Bonds of County and Township Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 471 R. C. M. amended.

Section 1. That Section 471 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 471. **Approval of Bonds of County and Township Officers.** Unless otherwise prescribed by statute, the official bonds of county, township and school district officers must be approved by the judge of the district court, and filed and recorded in the office of the county recorder. *The district judge shall on the first day court is held each calendar year, in open court, examine and inquire into the sufficiency of the bonds of county commissioners of each county and order a new bond if any such bond is found insufficient and, if found sufficient, his approval must be entered in the minutes of the court.*"

Approval of bonds of county and township officers.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1947.

CHAPTER 174

An Act to Amend Section 379, Revised Codes of Montana, 1935, Relating to the Duties of Reporters of the Decisions of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 379 R. C. M. amended.

Section 1. That Section 379, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

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"Section 379. **Duties of Reporters.** The reporters of the decisions of the supreme court shall make careful and accurate reports of the cases decided by the supreme court. The reports of such cases shall contain syllabi of the points decided; a statement of the facts taken from the record, when the same are not fully given in the opinion of the court; the names of counsel; and a reference to such authorities as are cited in the briefs of counsel and have special bearing on the case. It shall be the further duty of said reporters to prepare a full and comprehensive index and tables of cases reported to each volume of *said* reports." Duties of reporters

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall take effect upon its passage and approval. Effective date.

Approved March 4, 1947.

CHAPTER 175

An Act to Amend Section 4033 of the Revised Codes of Montana, 1935, Relating to the Application of an Investment Company to Sell Securities in the State of Montana, and Repealing Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4033 of the Revised Codes of Montana for 1935, be, and the same is hereby amended to read as follows: Sec. 4033 R. C. M. amended.

"Section 4033. **Application and Fee for Permit.** Before securing such permit, it shall be necessary for each and every investment company to file in the office of the investment commissioner, together with a filing fee of twenty-five dollars ($25.00) the following papers, documents, etc., together with such other information and documents as said investment commissioner shall deem necessary in each case, to-wit: Application and fee for permit.

1. An itemized statement of its actual financial condition and the amount of its properties and liabilities.

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2. A copy of all contracts, bonds, or other securities which it proposes to make with or sell to its contributors.

3. Sample copies of all literature or advertising matter used or to be used by such investment company.

4. A copy of its constitution and by-laws or articles of co-partnership or association.

5. If it shall be an incorporated investment company, it shall also file a copy of its charter, and if it be a foreign investment company, such copy shall bear the certificate of the secretary of state, or other state officer having custody of such records, that it is a true, complete, and correct copy.

Applications by foreign investment companies.

6. If the applicant is a foreign investment company, a certificate by the proper officer of its domicile state, territory, or government not more than thirty (30) days before the filing of such application, showing that such applicant is authorized to transact business in such state, territory or government.

Alternative procedure where securities are registered with federal securities and exchange commission.

Where securities are fully registered with the federal securities and exchange commission under the securities act of 1933, as amended, and such registration is effective, an investment company, principle underwriter or issuer may file, in lieu of those papers or documents required to be filed under the sub-divisions 1 to 6 of this section, with the investment commissioner a copy of such registration statement together with all amendments thereto. A filing in such manner with the investment commissioner shall be effective for such length of time as such registration shall be effective. Amendments to such registration subsequently filed and made effective shall also be filed with the investment commissioner.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved March 4, 1947.

CHAPTER 176

An Act to Amend Section 4549, Revised Codes of Montana, 1935, and Section 4550, Revised Codes of Mon-

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tana, 1935, as Amended by Chapter 6 of the Session Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to Appropriations and Tax Levies for County Fairs and Relating to Moneys Appropriated for Exhibits at Fairs or Agricultural Shows; Providing for the Disbursement Thereof; Authorizing the Acquisition of Lands and Improving the Same, and Authorizing the Use of Said Moneys for Said Exhibits.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4549 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 4549 R. C. M. amended.

"Section 4549. **Appropriation and Tax Levy for County Fairs.** The board of county commissioners of their respective counties may appropriate annually out of the general fund of the county treasury to the county fair commission a sum not to exceed two thousand five hundred dollars ($2,500.00), to be expended by the county fair commission for the purpose of holding a county fair *and/or Junior Fair*, or advertising the products and resources of their county. In addition to the appropriation above provided for, or in lieu thereof, the county commissioners of any county in Montana shall have the power to levy an ad valorem tax of one and one-half (1½) mills or less on each dollar of taxable property in such county, for the purpose of securing, equipping, and maintaining a county fair *and/or a Junior Fair*, including the purchase of land for such purposes, and the erection of such buildings and other appurtenances as may be necessary; provided, however, that no portion of said appropriation or tax levy shall be expended for horse racing."

Appropriation and tax levy for county fairs or junior fairs.

Section 2. That Section 4550 of the Revised Codes of Montana, 1935, as amended by Chapter 6 of the Session Laws of the twenty-ninth legislative assembly, 1945, be, and the same is hereby amended to read as follows:

Sec. 4550 R. C. M. as amended further amended.

"Section 4550. **Disbursement of Appropriation—Acquisition of Lands—Appropriation for Exhibits at Fairs.** The funds derived from such appropriation or tax levy shall be kept in a separate fund by the county treasurer, and shall hereafter be paid out by the said treasurer on order signed by the president and secretary of the said fair commission.

Separate fund—how disbursed.

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County commissioners may acquire and improve land for county fair and junior fair.

The board of county commissioners of any county in the State of Montana may purchase, receive by donation, or own and hold a tract of land in their respective counties, not exceeding one hundred sixty (160) acres, as county fair grounds, *and an additional tract of land in their respective counties, not exceeding eighty (80) acres, as junior fair grounds,* which lands may be used by the county fair commisison for the purpose of promoting the interests of horticulture, agriculture and stock raising. The board of county commissioners who shall avail themselves of the foregoing provisions may purchase, erect, construct and maintain permanent improvements on such fair grounds *and junior fair grounds.*

Appropriation for expense relating to certain exhibits authorized.

The board of county commissioners of any county in Montana may appropriate each year the sum of one thousand dollars ($1,000.00), or so much thereof as may be necessary, out of the general funds of the county, for the purpose of defraying the expenses of collecting, transporting, and taking care of any exhibit from such county at any state fair, county agricultural fair, 4-H club or future farmers fair, seed show or other agricultural exhibit held within the state or county."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1947.

CHAPTER 177

An Act to Amend Section 949 of the Revised Codes of Montana for 1935, Relating to the Salary of the Superintendent of Public Instruction.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 949 R. C. M. amended.

Section 1. That Section 949 of the Revised Codes of Montana for 1935, be amended to read as follows:

Salary.

"Section 949. **Salary.** The annual salary of the superintendent of public instruction for all services now required of him or which may hereafter devolve upon him by law is *four thousand two hundred dollars ($4,200.00).*

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He shall also be paid his traveling expenses actually and necessarily incurred in the discharge of his duties, not to exceed two thousand dollars *($2,000.00)* in any one (1) year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after January 1, 1949.

Approved March 4, 1947.

CHAPTER 178

An Act to Define, Regulate and License Foster or Boarding Homes for the Care and Maintenance of Minor Children and Providing Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Operator of "foster or boarding home" defined.

Section 1. Any person owning or operating a home or institution into which home or institution he takes any child or children for the purpose of caring for them and maintaining them and for which care and maintenance he receives money or other consideration of value and which child is neither his son, daughter, ward, nor related to him by blood, shall be deemed to be an "operator" of a "foster home or boarding home" within the meaning of this act, except that this act shall not apply when any person accepts such care and custody of such child on a temporary basis and simply as a temporary accommodation for the parent or parents, guardian or relative of such child. The word "person" where used in this act, shall include any individual, partnership, voluntary association or corporation.

"Person" defined.

License required.

Section 2. No person shall maintain or operate a foster or boarding home for any child or children within the meaning of this act without first securing a license in writing from the division of child welfare services of the state department of public welfare. No fee shall be charged for such license.

Section 3. The division of child welfare services of the state department of public welfare is hereby author-

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License, authority of division of child welfare services of department of public welfare to issue.

ized to issue licenses to persons conducting boarding or foster homes and to prescribe the conditions upon which such licenses shall be issued, and making such rules and regulations as it may deem advisable for the operation and regulation of foster and boarding homes for minor children consistent with the welfare of such children.

Power and authority of licensing agency.

Such licensing agency shall have the power and authority to inspect all such licensed foster and boarding homes through its duly authorized representatives and to cancel licenses theretofore issued for the failure to observe such rules and regulations. The person operating such homes shall give to such representative such information as may be required and afford them every reasonable facility for observing the operation of such homes.

Penalty.

Section 4. Any person who maintains or conducts a foster or boarding home, or assists in conducting or maintaining such home without having first obtained a license in writing as hereto provided, shall be guilty of a misdemeanor and upon conviction be punished by a fine not to exceed one hundred dollars ($100.00).

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1947.

CHAPTER 179

An Act to Amend Section 7 of Chapter 84 of the Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, Relating to License to Sell Liquor in Railroad Dining, Buffet, Lounge, Restaurant, Broiler, Snack or Tavern Cars.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 7, Ch. 84 laws of 1937 amended.

Section 1. That Section 7 of Chapter 84 of the Session Laws of the Twenty-fifth Legislative Assembly, 1937, of the State of Montana, be, and the same is hereby amended to read as follows:

License to sell liquor in railroad dining and buffet cars.

"Section 7. (a) Any railroad *or other person or corporation* operating a dining, buffet, lounge, restaurant, broiler, snack or tavern car in connection with regular operated train service desiring a license to sell liquor

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under the provisions of this act in said dining, buffet, lounge, restaurant, broiler, snack or tavern car, shall first apply to the board for a license so to do, accompanying the application with the license fee herein prescribed. Upon being satisfied from said application, or otherwise, that the applicant is qualified, the board shall issue a license to such railroad *or other person or corporation for the sale of liquor in such cars of such railroad, either by such railroad itself or by such other person or corporation operating such cars,* which shall at all times be prominently displayed in the cars where liquor is served. Upon the payment of the one (1) license fee herein required to be paid, duplicates of said license shall be provided by the board, to be posted in the different cars operated within the state under the one (1) license.

Licensee operating in interstate commerce may be authorized to dispense liquor purchased outside of state.

(b) *It is further provided that the board may, by regulation, authorize any such licensee to dispense within this state, for consumption on such cars operating in interstate commerce, liquor purchased outside this state, such authorization to be on terms and conditions to be fixed by the board insuring payment to the board by such licensee, with respect to the liquor so purchased to be sold in this state, of the excise taxes and the state mark-up designated by the board which would be applicable to such liquor if purchased by the licensee from the state liquor store."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect upon its passage and approval.

Approved March 4, 1947.

CHAPTER 180

An Act to Validate and Confirm Sales or Dispositions Heretofore Made or Attempted to Be Made by Any County of Any Property in Which Such County Had or Claimed Any Right, Title or Interest, and All Instruments of Transfer or Conveyance Heretofore Made or Executed by Any County, and to Declare That All Such Sales, Dispositions and Instruments Have Vested in the Grantee or Purchaser, as of the Date Thereof, All Right,

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Title and Interest of the County in and to the Property Described or Covered.

Be it enacted by the Legislative Assembly of the State of Montana:

Validation of sales and instruments of conveyance of county property heretofore made by county.

Section 1. All sales or dispositions heretofore made or attempted to be made by any county of any property in which such county had or claimed any right, title or interest are hereby validated and confirmed, and all instruments of transfer or conveyance heretofore made or executed by any county are hereby validated and confirmed, and all such sales, dispositions and instruments are hereby declared to have vested in the grantee or purchaser, as of the date thereof, all right, title, estate and interest of such county in and to the property described or covered.

Separability of act.

Section 2. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1947.

CHAPTER 181

An Act to Amend Section 122, Revised Codes of Montana, 1935, Relating to Deputy State Officers, Their Duties, Bonds, Oath and Appointment.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 122 R. C. M. amended.

Section 1. That Section 122, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Deputy state officers.

"Section 122. **Deputy State Officers.** The secretary of state, state treasurer, state auditor, *clerk of the supreme*

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court, and the state superintendent of public instruction shall each appoint a deputy, who, in the absence of the principal, or in the case of vacancy in his office, shall perform all the duties of office until such disability be removed or vacancy be filled.

Such deputy shall subscribe, take and file the oath of office provided by law for other state officers before entering upon the performance of his duties. The principal shall be responsible under his official bond for all the official acts of his deputy and may revoke his appointment at his pleasure, and may require the deputy to give him a bond in such sum as the principal may determine, which bond shall be made, executed, approved and filed as other state bonds; provided, nothing herein contained shall be construed to authorize an increase of the number of employees in any office."

Oath of office, and bond.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 4, 1947.

CHAPTER 182

An Act to Amend Section 3732 of the Revised Codes of Montana, 1935, as Amended by Chapter 226, Laws of the Twenty-eighth Legislative Assembly, 1943, and as Amended by Chapter 102, Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to the Shipment of Game Animals, Game Birds, Fish and Fur-bearing Animals From the State by Non-Residents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3732, of the Revised Codes of Montana, 1935, as amended by Chapter 226, Laws of the Twenty-eighth Legislative Assembly, 1943, and as amended by Chapter 102, Laws of the Twenty-ninth Legislative Assembly, 1945, be, and the same is hereby amended to read as follows:

Sec. 3732 R. C. M. as amended further amended.

"Section 3732. *There shall be attached to all non-resident fishing licenses, a permit authorizing the holder thereof to ship, remove or cause to be removed from the*

Permit to non-resident to ship fish from state.

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state one legal limit of fish legally taken or killed; provided such shipping permit shall not be valid if detached from such license prior to its use to authorize shipment of fish.

Certificate, required of non-resident applicant for limited fishing license.

Any non-resident when applying for a limited fishing license, shall certify under oath whether he has shipped, removed or caused to be removed from the state during the current year, the legal limit of fish or game or has in his possession a permit for so doing. If such applicant certifies that he has removed or caused to be removed from the state, the legal limit of fish or game, during the current year, or has in his possession a permit for so doing, then the shipping permit heretofore provided for shall be detached from such permit and be retained and destroyed by the issuing authority.

Shipping permit to be destroyed, when.

Shipping permit to be obtained by non-resident desiring to ship animals or parts of animals from state.

Any non-resident person who desires to ship, *remove or cause to be removed from the state,* any game animals, game birds, or any part thereof *lawfully taken or killed, shall possess* or obtain a shipping permit, and shall present the *same* to the transportation company, *together with* his license *and* the consignment of game to be shipped, *provided that no non-resident person may during any one year make more than one shipment, not to exceed the legal limit of fish and game. Provided, any person who removes from the state any game animals, game birds, fish or any part thereof by means of a truck, automobile or airplane, shall have in his possession a shipping permit.* Provided, further, that any non-resident who desires to ship or take out of the state, any fur-bearing animals, or the skins from fur-bearing animals, or parts thereof, legally acquired, shall first procure a permit from the state fish and game warden, said permit stating the name of the consignee and consignor, destination and number and kind of fur-bearing animals, or the skins from fur-bearing animals that are to be shipped, and said permit shall be presented to the transportation company with the consignment. Provided, further, that any non-resident who has lawfully taken any game animals, game birds, fish or any part thereof, in an adjoining state, and is compelled, by reason of mountainous country or other local conditions, to carry and transport said game animals, game birds, fish or any part thereof, over and across this state in order to return with said game animals, game birds, fish or any part thereof, to said adjoining state in which

Proviso authorizing shipment without shipping permit, when.

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said game was taken, may do so provided he has the necessary license for the taking thereof issued by the state in which the game animals, game birds, fish or fur-bearing animals were taken.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1947.

CHAPTER 183

An Act to Authorize the State Board of Education, by and With the Advice of the Supervisor of the Montana Highway Patrol and the Superintendent of Public Instruction, to Adopt and Enforce Regulations Concerning the Design, Construction and Operation of School Busses and to Provide Penalties for Violation of Such Regulations.

Be it enacted by the Legislative Assembly of the State of Montana:

School busses, regulations to govern design, construction and operation authorized.

Section 1. That the state board of education, by and with the advice of the supervisor of the Montana highway patrol and the superintendent of public instruction, shall adopt and enforce regulations not inconsistent with the motor vehicle code and the minimum standards for school busses, adopted by the national commission on safety education to govern the design, construction and operation of all school busses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations.

Violation of regulations, penalties for.

Section 2. That any officer or employee of any school district who violates any of said regulations or fails to include obligation to comply with said regulations in any contract executed by them on behalf of a school district

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shall be guilty of misconduct and subject to removal from office or employment by proceedings instituted in any court of competent jurisdiction by the county attorney of the county in which the school district is situated. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district.

Effective date.

Section 3. This act shall be in full force and effect from and after July 1, 1947.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1947.

CHAPTER 184

An Act to Amend Section 2945 of the Revised Codes of Montana of 1935, as Amended by Chapter 162 of the Laws of the Twenty-fifth Legislative Assembly of 1937, Relating to Costs and Disbursements in Proceedings or Hearings Before Industrial Accident Board and Payment of Certain Inspection and Examination Expenses from Industrial Accident Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2945 R. C. M. as amended further amended.

Section 1. That Section 2945 of the Revised Codes of Montana of 1935, as amended by Section 2 of Chapter 162 of the Laws of the twenty-fifth legislative assembly of 1937, be, and the same is hereby amended to read as follows:

Apportionment of costs and disbursements.

"Section 2945. **Apportionment of Costs and Disbursements—***Expenses.* The costs and disbursements incurred in any proceeding or hearing before the board, or a member thereof, may be apportioned between the parties on the same or adverse sides, in the discretion of the board. Costs and disbursements in any proceeding or hearing, arising out of cases under Plan No. Three may be paid from the industrial accident fund, and in the discretion of the industrial accident board, including the necessary traveling and other expenses and disbursements of the

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members of the board, its referees or officers or employees incurred while actually conducting investigations, hearings or proceedings, within or without the State of Montana, *and also any salaries or expenses including capital expenditures for automobile traveling equipment, including upkeep, required by the board to be incurred for inspections and examintions provided by Sections 3017 to 3021, inclusive, of the Revised Codes of Montana of 1935, of places of employment covered under Plan No. Three, may be paid out of the industrial accident fund.*"

Expenses that may be included.

Section 2. All acts and parts of acts, in so far as the same are in conflict herewith, are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect upon its passage and approval.

Effective date.

Approved March 5, 1947.

CHAPTER 185

An Act to Amend Section 4556 of the Revised Codes of Montana of 1935, Relating to Duration of Bouts—Glove Specifications—Physical Examination of Participants, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4556 of the Revised Codes of Montana of 1935, shall be, and the same is hereby amended, to read as follows:

Sec. 4556 R. C. M. amended.

"Section 4556. **Duration of Bouts—Glove Specifications—Physical Examination of Participants.** A boxing or sparring match or exhibition shall be *not* more than *twenty (20) rounds* in length; and the contestants shall wear during such contests, gloves weighing at least six (6) ounces. Provided, also, that no person or persons may take part in an exhibition or sparring match unless they have first passed a rigorous physical examination to determine their fitness to engage in any such exhibition. Said examination to be conducted by a regular practicing physician, said physician to be designated by the commission."

Duration of bouts.

Weight of gloves.

Physical examination.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 186

An Act to Amend Section 2815.13, Revised Codes of Montana, 1935, as Amended by Section 1, Chapter 89, Laws of 1937, Relating to Beer; When Beer Is Non-Intoxicating and When Sale by Liquor Board Prohibited.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.13 R. C. M. as amended further amended.

Section 1. That Section 2815.13 Revised Codes of Montana, 1935, as amended by Section 1, Chapter 89, Laws of 1937, be and the same is hereby amended to read as follows:

Non-intoxicating beer.

"Section 2815.13. Beer containing one-half of one per cent (½ of 1%), or more, of alcohol by volume, and not more than three and two-tenths per cent (3.2%) of alcohol by weight, is hereby declared to be non-intoxicating, and such beer and other beer *containing more than three and two-tenths per cent (3.2%), but* not more than four per cent (4%) of alcohol by weight may be manufactured and/or sold or transported in and into this state or possessed therein in the manner and under *the* conditions prescribed *in this act* and not otherwise. The sale of beer by the Montana liquor control board is hereby prohibited, save and except ale, porter and stout containing more than four per cent (4%) of alcohol by weight."

Beer of 4% alcoholic content made lawful.

Sale of beer by liquor control board prohibited.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 187

An Act to Amend Section 2753.4 of the Revised Codes of Montana, 1935, Relating to the Removal of Fire Hazards.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2753.4 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2753.4 R. C. M. amended.

"2753.4. **Removal of** *Fire Hazards.* If the state fire marshal, deputy state fire marshal, or any officer mentioned in Section 2752, finds in *any* building or premises *subject to their inspection,* any combustible materials or inflammable conditions *or fire hazards* dangerous to the safety of *the* building premises *or to the public* such officer *shall* order such material, *conditions, or hazards to be* removed or remedied. Such order *shall* be in writing and directed generally to the owner, lessee, agent or occupant of such building or premises, and any such owner, lessee, agent or occupant upon whom such notice shall be served, who shall fail to comply therewith within twenty-four (24) hours thereafter, unless the order prescribes a longer time within which it may be complied with, shall be guilty of a misdemeanor and said material may be removed or dangerous condition corrected at the expense of the owner of such building or premises or at the expense of the person upon whom such service is so made, or both and the said state fire marshal, deputy state fire marshal or other officer mentioned in Section 2752, may maintain all necessary actions for the recovery thereof."

Removal of fire hazards.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in force from and after its passage and approval.

Effective date.

Approved March 5, 1947.

CHAPTER 188

An Act to Amend Chapter 140, of the Laws of the Twenty-fifth Legislative Assembly of 1937, Relating to Establishment of Adult Education Schools; Providing for a Tax Levy for the Support and Maintenance Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 140, of the Laws of the twenty-fifth legislative assembly of 1937 be, and the same is hereby amended to read as follows:

Chap. 140 laws of 1937 amended.

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Use of school rooms for adult education classes, authorization for.

"Section 1. The board of trustees of any school district or of any county high school is authorized to permit the use of school rooms for adult education, schools or classes for all adults sixteen (16) years of age or over, *and if any school district is desirous of raising money to help effect the purpose of this act, the board of county commissioners may levy a tax of not to exceed one (1) mill on the dollar of all taxable property, real and personal, within the district, in addition to all other levies for school purposes, for the support and maintenance of such adult education, schools or classes, provided that the board of school trustees of any such district requiring such levy must call an election in the manner prescribed for such extra levies by Section 1019.7, Revised Codes of Montana, 1935, for the purpose of obtaining the approval of the district to the making of such additional levy and provided further that such election must be held before the 1st day of July.*

Tax levy for adult education.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1947.

CHAPTER 189

An Act to Amend Section 2 of Chapter 125 of the Laws of the Twenty-eighth Legislative Assembly of the State of Montana, Relating to the qualifications of the Director of Dental Health, and Providing That the Director of Dental Health Shall Be a Dentist Duly Licensed in Some State, Territory, or the District of Columbia, to Practice His Profession and Who Shall Have Had at Least One School Year of Training in an Accredited School of Public Health.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 125 laws of 1943 amended.

Section 1. That Section 2 of Chapter 125 of the Laws of the Twenty-eighth Legislative Assembly of the State of Montana be, and the same is hereby, amended to read as follows:

Director, his qualifications.

"Section 2. The director of dental health shall be a dentist *who is duly licensed in some state or territory or the District of Columbia, to practice his profession, and*

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who shall have had at least one (1) school year of training in an accredited school of public health."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 190

An Act to Establish a Branch of the Agricultural Experiment Station of the Montana State College, in Northwestern Montana, to Be Known as "Northwestern Montana Branch Station."

Be it enacted by the Legislative Assembly of the State of Montana:

Establishment of northwestern Montana branch station.

Section 1. **Establishment of Northwestern Montana Branch Station.** There is hereby established a branch of the agricultural experiment station of Montana state college, to be known as "northwestern Montana branch station", for the purpose of conducting studies, investigations, and researches into agricultural problems. Said branch shall be located on a site in northwestern Montana to be selected by the administrative officers of the agricultural experiment station and shall be under the direction of the agricultural experiment station of Montana state college.

Authority to accept donations of land.

Section 2. **Authority to Accept Donation or Donations of Land.** The Montana state board of examiners is hereby authorized to accept, on behalf of the State of Montana, for the use of the agricultural experiment station in establishing said northwestern Montana branch station, donation or donations of land adequate and suitable for experimental purposes, providing such land be conveyed to the state in fee simple and free of all incumbrances.

Authority to accept donations of money and materials.

Section 3. **Authority to Accept Donations of Money and Material.** The Montana state board of examiners is hereby authorized to accept, on behalf of the State of Montana, for the use of the agricultural experiment station in establishing and operating said northwestern Mon-

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tana branch station, donations of money, implements, scientific equipment, building materials, animals and supplies.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 191

An Act to Amend Section 2453 of the Revised Codes of Montana of 1935, Relating to Regulation and Inspection by the State Board of Health of Schoolhouses, Churches and All Places of Public Resort.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2453 R. C. M. amended.

Section 1. That Section 2453 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

Inspection and regulation of school houses, churches and places of public resort.

"2453. **Inspection and Regulation of Schoolhouses, Churches, and Places of Public Resort.** The state board of health shall prepare and issue to the local and county boards of health regulations for the lighting, heating, and ventilating of schoolhouses, and shall cause sanitary inspection to be made of school houses, churches, and all places of public resort, and make such regulations concerning the same as it may deem necessary for the safety of the persons who may attend school or services therein or resort thereto. All schoolhouses, churches, or public buildings hereafter erected shall conform to the regulations of the state board of health in respect to all sanitary conditions; and all persons, corporations, or committees intending to erect any *such* building hereinbefore named, shall submit plans thereof, so far as to show the method of heating, ventilating, plumbing, and sanitary arrangements, to the secretary of the state board of health, and secure his approval thereof, or the approval of the state board of health on appeal from the decision of its secretary, before erecting said building, and shall conform strictly to all the requirements of the said board in the

Approval of plans of such buildings to be erected required.

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respects aforesaid, and any person, corporation, or committee that shall erect any such building without such approval, and without complying with such requirements, shall be guilty of a misdemeanor; and shall also make such building conform to the requirements of said board, before the same shall be used for any of the purposes above mentioned; and any such use of said building until such requirements have been complied with shall be a misdemeanor."

Penalties.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1947.

CHAPTER 192

An Act to Define, Regulate and License Boarding Homes or Nursing Homes for the Aged by the State Board of Health, Defining the Powers and Duties of the State Board of Health and the Secretary and/or Executive Officer Thereof, to Make Rules and Regulations, Issue Licenses and Cancel Licenses and Hold Hearings; and Repealing Chapter 84 of the Laws of 1945 of the State of Montana, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (a) A "boarding home" or "nursing home" for aged persons is hereby defined to be a home where five or more aged persons are residing and boarding or receiving nursing care, operated by any person for compensation or hire, whether such aged persons are receiving public assistance from the State of Montana or any county therein, or are supported in whole or in part by their own or other private funds or resources.

"Boarding home" or "nursing home" for aged persons defined.

(b) The "operator" of a boarding home or nursing home is defined to be any person, partnership, voluntary association or corporation who conducts or operates a home for the care, nursing care, maintenance, board and room of five or more aged persons for compensation and hire.

"Operator" defined.

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"Secretary and/or executive officer" defined.

(c) The term "secretary and/or executive officer", shall mean the secretary and/or executive officer of the state board of health of Montana.

Application for license to operate.

Section 2. All operators of boarding homes or nursing homes for the aged operating on the effective date of this act, within the meaning of this act, shall apply, within ten days and annually thereafter, in writing to the state board of health of the State of Montana for a license to operate such home, on forms to be provided by such board for such license. Any nursing or boarding home hereafter established shall apply for such license fifteen (15) days prior to acceptance of such aged persons, and such license shall expire June 30 following the date of issuance. Each application for such license shall be accompanied by a

Fee.

license fee of five ($5.00) dollars, which, if the license is granted, shall be retained and deposited in the state treasury, or, if the application be denied the fee shall be returned to the applicant.

License.

Section 3. If the application for a license is granted, a license in writing shall be issued by the state board of health in such form as it may determine; however, such license must state the name of the operator and the location of the boarding home or nursing home, giving the street address or number, if the home is located in a city having residence numbers. Such license is not transferable. All licenses so issued must be exhibited for inspection and examination at all reasonable hours to any interested person upon request. All licenses issued hereunder shall expire on the 30th day of June of each calendar year.

Inspection of boarding or nursing home.

Section 4. Upon the receipt of each application, together with the fee herein provided for a license, the state board of health shall cause the boarding home or nursing home of the applicant to be inspected by its authorized representative, and if it finds that the boarding home or nursing home is conducted in a manner consistent with the health and welfare of the residents therein, such license shall be granted. If the state board of health has inspected such home within ninety (90) days prior to the receipt of an application for such license or renewal thereof, no further inspection need be made prior to the issuance or renewal thereof, if in the considered judg-

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ment of the representative of the board such further inspection is unnecessary.

Rules and regulations by state board of health.

Section 5. The state board of health may promulgate rules and regulations consistent with the purposes of this act, establishing the standards by which applications are to be determined for licenses under the provision of this act. The executive officer of the state board of health of the State of Montana, or his authorized agent, shall have the power and authority to inspect all such licensed boarding homes or nursing homes. If such inspection shows any violation of the rules and regulations as promulgated under this act, the secretary and/or executive officer shall cause appropriate notice to be given to the operator. Any operator so notified shall appear for a hearing within twenty (20) days, to show cause why his license should not be canceled because of the continued failure on the part of the operator to observe such rules and regulations. The operator of such boarding home or nursing home shall give to such representative such information as may be required and afford them every reasonable facility for observing the operation of such boarding home or nursing home.

Violation by operator.

Notice and hearing.

Penalty for operating without having first obtained or applied for a license then pending.

Section 6. Any operator who maintains or conducts a boarding home or nursing home for the aged or assists in the conducting and maintaining of such home without having first obtained a license in writing as herein provided, without having filed with the state board of health as herein provided, his proper application for the operation of such home, together with the fee as herein provided, and which application is still pending undecided, shall be guilty of a public offense and punished as a misdemeanor.

Ch. 84, laws of 1945 repealed.

Section 7. Chapter 84 of the Montana Session Laws of 1945 is hereby repealed.

Effective date.

Section 8. This act will be in full force and effect on July 1, 1947.

Approved March 5, 1947.

CHAPTER 193

An Act to Amend Section 1830.9 of the Revised Codes of Montana 1935, Relating to Co-operation of the State

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Forestry Board with Forest Owners and Farmers, by Authorizing Co-operation of State Board of Forestry with Owners and Lessees of Farm, Range, Forest, Watershed and Other Uncultivated Lands in Private and Public Ownership for Fire Protection and Conservation.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1830.9 R. C. M. amended.

Section 1. That Section 1830.9 Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

State board of forestry authorized to cooperate with owners or lessees of uncultivated lands for stated purposes.

"Section 1830.9 *For the purpose of more adequately promoting and facilitating the co-operation, financial and otherwise, between the State of Montana and all of the public and private agencies or individuals therein, the state board of forestry is hereby authorized to co-operate with owners or lessees of farm, range, forest, watershed or other uncultivated lands in private and public ownership for the protection from fire of the cultivated agricultural crops or natural resources existing or growing thereon; and also in the conservation and perpetuation of such lands and resources, including the prevention of soil erosion and the regulation of stream flow.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 194

An Act to Amend Section 975, Revised Codes of Montana, 1935, as Amended by Chapter 20 of the Session Laws of 1939, Pertaining to Clerks and Deputies for County Superintendents of Schools and Their Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 975 R. C. M. as amended further amended.

Section 1. That Section 975, Revised Codes of Montana, 1935, as amended by Chapter 20 of the Montana Session Laws of Montana, 1939, be and the same is hereby amended to read as follows:

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"Section 975. *Deputy County Superintendents of Schools — Salaries. The boards of county commissioners of the several counties in the state may appoint one chief deputy county superintendent of schools, when such a chief deputy is recommended by the county superintendent of schools, and in addition, such commissioners shall have the power to fix, determine and appoint the number of deputies and assistants needed for the faithful and prompt discharge of the duties of the office of the county superintendent of schools.*"

Deputy county superintendents of schools.

Section 2. The salaries of such deputies and assistants shall be fixed by the board of county commissioners in an amount not to exceed ninety per cent (90%) of the salary of the county superintendent of schools.

Salaries.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1947.

CHAPTER 195

An Act to Authorize the State Board of Examiners to Accept From the Government of the United States on Behalf of the State of Montana, for the use of the Agricultural Experiment Station of Montana State College of the University of Montana, Title to the Huntley Branch Station in Yellowstone County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the Montana state board of examiners is hereby authorized to accept from the government of the United States on behalf of the state, for the use of the agricultural experiment station of Montana state college of the university of Montana, title in fee simple to the Huntley branch station in Yellowstone county, including lands and all improvements thereon.

Huntley branch station, state board of examiners authorized to accept title to.

Section 2. That said Huntley branch station, after transfer to state ownership, shall be operated under the general supervision of the director of the agricultural experiment station of Montana state college of the uni-

Operation of said station.

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versity of Montana, for the purpose of conducting researches pertaining to agricultural problems of south central Montana.

Approved March 5, 1947.

CHAPTER 196

An Act Authorizing and Empowering the State Board of Land Commissioners of the State of Montana to Sell and Convey the S½SE¼SE¼, Section Five (5), Township one south (1S), Range Twenty-six East (26E), Montana Principal Meridian, Comprising Twenty (20) Acres, Yellowstone County, to the Best Interests of the State of Montana, Which Said Land Was Acquired as a Site for a Sub-experimental Station in 1903 in Accordance with the provisions of Chapter 118 of the Laws of 1903 and Is Not Now Being, and Has Not Been for a Considerable Time, Used for Such Purpose; Providing for Platting the Acreage Into Lots and Blocks If Deemed Necessary to the Best Interests of the State; Providing for Appraisal of Said Land; Providing for Sale at Public Auction in Billings; Providing for Publication of Notice of Sale; Providing for Compensation to Lessees for and Sale of Improvements Placed on Such Land; Providing Costs of Sale and All Expenses Incidental Thereto Shall Be Paid Only Out of Proceeds From Sale; and Providing the Net Proceeds of the Sale Shall Go to the State General Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

State board of land commissioners, authority of, to sell a certain tract of land.

Section 1. The state board of land commissioners of the State of Montana is hereby authorized and empowered to sell to the highest qualified bidder at public auction at the Yellowstone county court house in Billings, Montana, and convey for cash or otherwise, the south half of the southeast quarter of the southeast quarter (S½SE¼ SE¼), section five (5), township one south (1S) range twenty-six east (26E), Montana principal meridian, comprising twenty (20) acres, Yellowstone County, Montana to the best interests of the State of Montana. Said board shall cause said land to be appraised by the chief field agent or a deputy field agent prior to such sale and said land shall not be sold for less than the appraised

Appraisal.

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value. The land above described was acquired as a site for a sub-experimental station in 1903 in accordance with the provisions of Chapter 118 of the laws of 1903 and is not now being, and has not been for a considerable time, used for such purpose.

Sale subject to approval and confirmation of board.

Section 2. The sale herein provided shall be subject to the approval and confirmation of the state board of land commissioners and shall not be deemed completed until after such approval and confirmation. The state board of land commissioners is authorized to reject any and all bids.

Platting into blocks and lots, in discretion of board.

Section 3. If the state board of land commissioners shall determine it is for the best interest of the state for the above described land to be surveyed, platted, and laid off into blocks and lots, said board is hereby authorized and empowered to proceed in accordance with the provisions of Section 1805.67 and 1805.68 of the Revised Codes of Montana, 1935.

Publication of notice of sale.

Section 4. When directed by the state board of land commissioners, the commissioner of state lands shall cause publication of notice of such sale to be made once each week for four (4) successive weeks prior to the sale in a daily newspaper published in Billings, Montana. Such notice shall contain the information required by Section 1805.73 of the Revised Codes of Montana, 1935, and, in addition, shall set forth the appraised value of the land to be sold, together with a statement said land will not be sold for less than said appraised value.

Contents of notice.

Date of sale.

The public auction sale shall be held not less than ten (10) days nor more than twenty (20) days after the last publication of notice of sale.

Costs and expenses.

Section 5. Expense of conducting the sale, publication costs, survey and platting fees and charges, if the land be surveyed and platted, cost of purchasing improvements on said land, and all other costs necessary and incidental to such sale shall be paid only out of the proceeds from the sale. After all such expenses and costs are paid, the net proceeds of the sale shall be deposited with the state treasurer and credited to the state general fund.

Proceeds, disposition of.

Present lessees, reimbursement of.

Section 6. If the land authorized herein to be sold be surveyed and platted prior to sale, the present lessees occupying such land shall be reimbursed for or may re-

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move improvements, consisting of buildings and fences, which they own and have placed on said land. The state board of land commissioners is authorized and empowered to purchase and resell such improvements, if they be not removed from such land by the lessees thereof. If the improvements above mentioned be purchased by the state board of land commissioners and be later sold, proceeds from such sale of improvements shall be deposited in the state general fund. If the land be not surveyed and platted prior to sale, the purchaser or purchasers thereof shall make settlement for improvements as provided by Sections 1805.83, Revised Codes of Montana, 1935. In either case, if there be disagreement between the present lessees and the purchaser or purchasers or between the present lessees and the state board of land commissioners regarding the value of such improvements, the value of improvements shall be fixed by arbitration, as provided by Section 1805.22, Revised Codes of Montana, 1935. Unless there shall be special agreements between the purchaser or purchasers and the present lessees to the contrary, the purchaser or purchasers of the land shall be given possession of the land on March 1 next succeeding the date of the sale, and not before.

Value of improvements, in case of disagreement, to be fixed by arbitration.

Possession to be given, when.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 8. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 197

An Act to Provide for the Submission to the Qualified Electors of the State of Montana of an Amendment to Section 39 of Article V of the Constitution of the State of Montana, Relating to the Remission of Certain Delinquent Personal Property Taxes and the Cancellation of Certain Obligations Held by Counties, the Collection of Which Is Barred by the Statute of Limitations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 39, Art. V, of constitution, amendment to be submitted to electors.

Section 1. That Section 39 of Article V of the Constitution of the State of Montana be amended as hereinafter provided, that the question of such amendment be sub-

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mitted to the quailified electors of the State of Montana at the general election to be held in November, 1948.

Amendment proposed.

Section 2. That Section 39 of Article V of the Constitution of the State of Montana be, and the same is hereby amended to read as follows:

Obligation or liability to state restriction of legislative assembly in relation to.

"Section 39. *Except as hereinafter provided,* no obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislative assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

Exception relating to certain personal property taxes.

"It shall however be lawful for the legislative assembly, in such manner as it may direct, to authorize the cancellation of any personal property taxes which are not a lien on real estate and which have been delinquent for ten (10) years or more.

Exception relating to seed grain obligations.

"It shall also be lawful for the legislative assembly, in such manner as it may direct, to authorize the cancellation of any contractual obligation owed to or held by a county, for seed grain, feed or other relief, the collection of which obligation is barred by the statute of limitations."

Ballot for submission of amendment.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed on the official ballot provided for by Section 678, Revised Codes of Montana, 1935, as amended by Chapter 81, Session Laws, 1939, and as provided by law, and there shall be printed on such ballot the title of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment.

The elector shall designate his preference for either of the propositions by making an X before the proposition for which he desires to vote.

Section 4. The votes cast for and against the amendment herein proposed shall be counted, canvassed, and determined by such officials and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation, and the amendment shall

Proclamation by governor, if amendment receives majority of votes.

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be in full force and effect as a part of the Constitution from and after the date of such proclamation.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

CHAPTER 198

An Act to Enable the State Fish and Game Commission to Enter Into an Agreement With the Council of the Confederated Salish and Kootenai Indian Tribes, Relating to Fish and Game and Common Privileges of Indians and the General Public.

Preamble 1

Whereas, by treaty of July 16, 1855, between the United States of America, represented by Isaac I. Stephens, governor and superintendent of Indian affairs for the Territory of Washington, and the chiefs, headmen and delegates of the confederated tribes of the Flathead, Kootenai and Upper Pend d'Oreille Indians, the said Indians were given the exclusive right to fish and hunt on the Flathead Indian reservation, and the privilege of hunting in their usual hunting grounds on large areas of Montana, and

Preamble 2.

Whereas, non-members of such tribes have the right to hunt and fish on Indian lands by sufferance of such tribes only, and

Preamble 3.

Whereas, it appears to be to the common advantage of the state and such Indian tribes that hunting and fishing regulations and privileges on other lands of the state and on Indian lands shall be uniform, and that hunting and fishing on such Indian lands shall be in common with the public, now, therefore

Be it enacted by the Legislative Assembly of the State of Montana:

Agreement with tribes of Flathead Indian reservation, re. hunting and fishing in reservation, authority of state fish and game commission to negotiate.

Section 1. That the state fish and game commission be, and the same is hereby authorized, empowered and enabled to negotiate and conclude an agreement with the council of the Confederated Salish and Kootenai tribes of the Flathead Indian reservation for the purpose of obtaining and establishing for the citizens of Montana, regularly licensed to hunt and fish in the state, the privileges

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of hunting and fishing on Indian lands on the Flathead Indian reservation, and for the purpose of the conservation and protection of fish, game and fur-bearing animals on such Indian lands, and on lands adjacent thereto; and for the further purposes of; setting dates for the opening and closing of seasons for hunting and fishing on such lands for Indians and whites alike, opening and closing of streams and land areas for hunting and fishing, and of doing what in its judgment is necessary by way of granting to such tribal Indians state permits to hunt and fish, to be issued without charge to such Indians, of stocking streams and land areas of such Indian lands for the common benefit, of policing such Indian lands for the protection of fish and game, and in general to carry out the purposes of this act. Provided, however, that if any part of such treaty shall provide for the payment of money in the premises to such tribes, such part shall first have the approval of the state legislature.

Proviso, payment of money to be made by state, to be first approved by legislative assembly.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 5, 1947.

CHAPTER 199

An Act to Amend Section 1763 and 1763.1 of the Revised Codes of Montana, 1935, as Amended by Chapter 139 of the Session Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to Definitions of Terms Used in the Motor Vehicle Registration Laws and Repealing All Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1763 and 1763.1 of the Revised Codes of Montana, 1935, as amended by Chapter 139 of the Session Laws of the twenty-ninth legislative assembly, 1945, be, and the same is hereby amended to read as follows:

Sec. 1763 and Sec. 1763.1 R. C. M. as amended further amended.

"1763. **Definitions.** The words and phrases used in this act shall be construed as follows, unless the context may otherwise require:

Definitions.

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"Motor vehicle." a. The words 'motor vehicle' shall include all vehicles which are self-propelled, except road rollers, traction engines and railroad cars, farm tractors, and motor cars run upon stationary rails or tracks.

"Motor-cycle." b. The term 'motor-cycle' shall mean a motor vehicle having not more than three (3) wheels in contact with the ground and a saddle on which the operator sits astride, or a platform on which he stands, and bicycles having a motor attachment thereto and a driving wheel in contact with the ground, in addition to the wheels of the vehicle itself, but a motor-cycle may carry one or more attachments and a seat for the conveyance of a passenger.

"Motor truck." c. The term 'motor truck' shall include all motor vehicles designed or used for the transportation of commodities, merchandise, produce, freight or animals.

"Trailer." d. The term 'trailer' shall include every vehicle without motive power, designated to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

"Semi-trailer." e. The term 'semi-trailer' shall include every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

"Owner." f. The term 'owner' shall include any person, firm, association or corporation owning or renting a motor vehicle, or having the exclusive use thereof, under lease or otherwise, and shall also include a contract vendee.

"Dealer." g. The term 'dealer' shall mean and include any person, firm, or corporation engaged in whole or in part in the business of buying, selling, repairing, and reconditioning either new or used motor vehicles, or both, and who maintains a place of business with adequate facilities and equipment for the servicing, repair, maintenance, and reconditioning of new or used motor vehicles and also adequate display facilities for at least one motor vehicle, and no person, firm or corporation shall be issued a dealer's license by the registrar of motor vehicles unless they qualify as a dealer defined herein, provided, however, that a used car dealer only shall have *a building as* an established place of business and need no facilities for repair, maintenance and reconditioning of used cars, *and*

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shall deliver to the buyer on completion of sale a transferable title, and shall purchase a Montana store license.

h. 'Trailer dealer' shall mean and include any person, firm or corporation engaged in whole or in part in the business of buying or selling trailers or semi-trailers with facilities for displaying one or more trailers or semi-trailers. "Trailer dealer."

i. The term 'vehicle' shall include any motor vehicle as herein defined. "Vehicle."

j. The term 'used motor vehicle' shall include any motor vehicle which has been sold, bargained, exchanged, given away or title transferred from the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as 'second-hand' within the ordinary meaning thereof. "Used motor vehicle."

k. The term 'manufacturer' shall include any person, firm, corporation or association engaged in the manufacture of any motor vehicles, trailers, or semi-trailers as a regular business." "Manufacturer."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 5, 1947.

CHAPTER 200

An Act to Amend Chapter 380 of the Political Code of the Revised Codes of Montana of 1935, as Amended by Chapter 20 of the Laws of the Twenty-eighth Legislative Assembly of the State of Montana and Chapter 180 of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana by the Addition of a New Section Providing for the Method of Vacating Platted Areas; Providing That Upon the Vacation of Such Platted Areas the Title to the Streets and Alleys so Vacated Shall Revert to the Owners of the Property Adjacent to Such Streets and Alleys.

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Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 380 Pol. code R. C. M. as amended further amended.

Section 1. That Chapter 380 of the Political Code of the Revised Codes of Montana of 1935 as amended by Chapter 20 of the Laws of the twenty-eighth legislative Assembly of the State of Montana and Chapter 180 of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana be amended by the addition of a new section to be designated and read as follows:

Vacation of recorded plat.

"Section 4993.1. Any plat prepared and recorded as herein provided may be vacated, either in whole or in part, as provided by Section 5308 of the Revised Codes of Montana of 1935 and upon such vacation the title to the streets and alleys of such vacated portions, to the center thereof, shall revert to the owners of the property adjacent to such vacated portions."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1947.

CHAPTER 201

An Act to Amend Sections 4884 and 4884.1 of the Revised Codes of Montana of 1935, as Amended by Sections 1 and 2, Chapter 121 of the Laws of the Twenty-seventh Legislative Assembly of the State of Montana, Relating to Mileage for Members of the Legislative Assembly, State Officers, County Officers, Township Officers, Jurors, Witnesses, County Agents, and All Other Persons, Except Sheriffs, Who May Be Entitled to Mileage When Using Their Own Automobiles in the Performance of Official Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4884, R. C. M. as amended further amended.

Section 1. That Section 4884, Revised Codes of Montana of 1935, as amended by Section 1, Chapter 121, of the Laws of the twenty-seventh legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

Mileage of all officers.

"Section 4884. **Mileage of All Officers.** Members of the legislative assembly, state officers, township officers, jurors, witnesses, county agents, and all other persons,

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except sheriffs, who may be entitled to mileage, *when using their own automobiles in the performance of official duties,* shall be entitled to collect mileage at a rate of not to exceed *six* cents *(6c)* per mile for the distance actually traveled, and no more."

Sec. 4884.1 R. C. M. as amended further amended.

Section 2. That Section 4884.1, Revised Codes of Montana, 1935, as amended by Section 2 of Chapter 121 of the Laws of the twenty-seventh legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 4884.1. Whenever it shall be necessary for any state or county officer *or employee* to use his own automobile in the performance of any official duty where traveling expense is allowed by Law, such officer or employee, except sheriffs, shall receive not to exceed *six* cents *(6c)* per mile for each mile necessarily traveled unless otherwise specifically provided by law and the members of any lawful approving board shall be liable upon their official bonds, for any claim which they may allow in excess of such amount. Provided, further, that in no case shall an automobile be used as herein provided if suitable transportation can be had by railroad *or bus.*"

Liability of approving board for amount in excess of legal mileage.

Railroad or bus to be used when suitable.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 202

An Act to Amend Section 4959, Revised Codes of Montana of 1935, Relating to Classification of Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4959 R. C. M. amended.

Section 1. That Section 4959, of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Cities and towns classified.

"Section 4959. **Cities and Towns Classified.** Every city having a population of ten thousand or more is a city of the first class; every city having a population of less

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than ten *thousand* and more than five thousand is a city of the second class; every city having a population of less than five thousand and more than one thousand is a city of the third class; and every municipal corporation having a population of three hundred and less than one thousand is a town; *provided, that every municipal corporation having a population of more than one thousand and less than twenty-five hundred, may by resolution adopted by the city or town council, as the case may be, pursuant to Sections 4969 to 4973 inclusive, of the Revised Codes of Montana, 1935, be either a city or town. Nothing in this act shall be construed as affecting the status or classification of any existing city or town.*"

City, in case stated, may be either a city or town, procedure.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 203

An Act to Amend Section 12504, Revised Codes of Montana, 1935, as Amended by Chapter 11 of the Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to the Expense Attending the Care, Education, Training and Safe Keeping of Boys While in Actual Attendance at the State Industrial School; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12504 R. C. M. as amended further amended.

Section 1. That Section 12504, Revised Codes of Montana, 1935, as amended by Chapter 11 of the laws of the twenty-ninth legislative assembly, 1945, be and the same is hereby amended to read as follows:

Order of commitment, contents of.

"Section 12504. **Expenses.** It shall be stated in the order of commitment the place where the boy resided at the time he was taken into custody, his age, as near as can be ascertained, and that such boy has not been convicted of any crime and is not deprived of any of his civil rights or privileges by reason of the making of such

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order of commitment; and shall command such officer, or an employee of the industrial school designated for such purpose as provided in Chapter 97, Session Laws 1941, to take such boy and deliver him without delay to the president of said school, or other person in charge thereof, at the place where the same is located, and the showing of such certificate of the purposes of this act shall be conclusive evidence of his residence or age; accompanying this warrant the judge shall transmit by the officer or employee of the school executing it, a statement of the nature of the complaint to the president, together with such other particulars concerning the boy as the judge is able to ascertain; provided that the expense of committing the boy to said school and the returning of him to his parent or guardian after his release therefrom, shall be at the expense of the county of which such boy is committed; and provided that the county from which any boy committed to such school shall be sent be liable for the expense attending the care, education, training, and safekeeping of such boy, *and shall pay for the same the sum of fifty (50c) cents per day for each boy so sent,* while he will be in actual *physical* attendance in said institution. On the first of every month the president of such school shall prepare and transmit to the respective boards of county commissioners of the several counties liable for such care, education and safekeeping, an itemized account showing the name of each boy, the number of days in the immediately preceding month for which such payment is to be made and the amount thereof, and said board of county commissioners, after checking the same for its correctness, shall allow it and pay the same by warrant drawn against its general or poor fund, payable to said industrial school and all such warrants when received shall be by the president of school transmitted to the state treasurer and the proceeds thereof shall be deposited to the credit of the state general fund; and provided further, that the provisions of this section requiring payment to be made by counties for care, education, training, and safekeeping shall apply to all boys committed to and in such school on the date this act takes effect."

Delivery of boy to school.

Expense.

President of school to submit monthly statements.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 204

An Act to Impose Civil Liability Upon Officers Who Neglect to Exercise the Authority Vested in Them for Dispersing Rioters and Arresting Offenders.

Be it enacted by the Legislative Assembly of the State of Montana:

Civil liability of officers for neglect in respect to riotous assembly.

Section 1. If the sheriff of a county, the chief of police and/or mayor of a town or city, or the constables of a township, or any of them, having notice of an unlawful or riotous assembly, neglect to proceed to the place of assembly and to exercise the authority with which they are vested for dispersing the same and arresting the offenders, they shall be liable for all damages sustained.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 205

An Act to Amend Sections 3 and 4 of Chapter 148 of the Laws of Montana of 1937, Relating to Prospecting Permits and Leases for the Prospecting for and Mining of Metalliferous Minerals and Gems in Lands Owned by the State, or Reserved in Lands Sold or Leased by the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 148 laws of 1937 amended.

Section 1. That Section 3 of Chapter 148 of the Laws of Montana of 1937, be, and the same is hereby amended to read as follows:

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"Section 3. Leases issued by said board under the authority of this act shall give the lessee, so long as he shall comply with the terms and conditions thereof, the exclusive right of possession of the lands or mineral rights leased thereby, subject to such reservations as may be contained in such leases, and may contain reasonable provisions for preliminary prospecting periods, and shall contain reasonable requirements for the prosecution of work during the prospecting period (if any), and for the prosecution of the work of mining after the prospecting period, and may provide for the payment of rentals in conjunction with such work requirements, or may prescribe cash rentals as an alternative, or otherwise, as the board may deem best, shall specify the term of the lease, the royalty to be paid, reasonable forfeiture provisions and reasonable terms under which the lessee may, within a time limited in such lease, remove property placed upon the leased lands by him, in the event of the termination of the lease by forfeiture or by lapse of time, and may contain such other provisions as said board and the lessee may agree upon, not inconsistent with the provisions of this act, and in short said board shall have the power in making such leases to exercise business discretion, so long as the provisions of this act shall not be violated. No mining lessee shall, during any preliminary prospecting period contained in any such lease, remove any metalliferous minerals or gems from the leased premises, except such as may be necessary for the proper testing and sampling of such lands or mineral rights, and except as may be permitted by said board. The board, *by agreement with the permittee or lessee,* may, in its discretion and upon such terms as it may deem best, *amend or modify the terms and conditions within the limitations of this act and/or* extend from time to time the term of any lease or prospecting permit issued under the provisions of this act, subject to the limitations contained in Section 2 of this act."

Provisions of leases, etc.

Discretion of board.

Removal of minerals during prospecting period.

Extension of term.

Section 2. That Section 4 of Chapter 148 of the Laws of Montana of 1937, be, and the same is hereby amended to read as follows:

Sec. 4, Ch. 148 laws of 1937 amended.

"Section 4. In every such lease the board shall reserve to the State of Montana a royalty which shall, together with other considerations to be paid by the mining lessee, constitute the full market value of the leasehold interest conveyed by such lease, as such full market value shall be ascertained by the board in accordance with the provisions

Royalties.

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Minimum.

of this act; which royalty shall be not less than five per cent (5%) of the returns from, or of the full market value of, the metalliferous minerals and/or gems recovered by the lessee from the state lands or reserved mineral rights covered by such lease.

Pooling of acreage with other holders of mining rights, for unit operation.

The state board of land commissioners may enter into agreements for the pooling of acreage or yardage with others holding the mining rights in adjoining lands for unit operation of placer mining and the apportionment of royalties on a cubic yardage or area basis in the case of placer mining deposits lying partly on land in which the state holds the mining rights and partly on land the mining rights in which are held by others; provided, that from each cleanup of values under such unit operations in which any yardage or area mined on lands to which the state holds the mineral rights is included, the state shall be entitled to royalties computed on that proportion of the whole value of recoveries from the cleanup as the yardage or area mined from lands included in the agreement in which the state holds the mining rights, bears to the total yardage or area mined and included in the cleanup; provided further that the state board of land commissioners shall have power to enter into agreements for such unit operation of such placer mining deposits and the apportionment of royalties upon such other equitable basis as shall to them seem in the best interest of the state; and provided further that such agreements shall not change the percentage of royalties to be paid to the state under the unit operations from the percentage fixed in the lease, or to a less percentage than the minimum provided by law."

Computation of royalties.

Agreements for unit operation of placer mining deposits, and apportionment of royalties.

Approved March 6, 1947.

CHAPTER 206

An Act to Amend Section 4935 of the Revised Codes of Montana of 1935, Relating to Compensation of Jurors in Courts Not of Record and at Coroner's Inquests.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4935 R. C. M. amended.

Section 1. That Section 4935 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

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"Section 4935. **Compensation of Jurors in Courts Not of Record and at Coroner's Inquests.** Jurors in courts not of record, in both civil and criminal actions, shall receive *three dollars ($3.00)* per day, but in civil actions the jury must be paid by the party demanding the jury, and must be taxed as costs against the losing party. Jurors in coroner's inquest shall receive for their services the sum of *three dollars ($3.00)* per day."

Compensation of jurors in courts not of record and at coroner's inquests.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 6, 1947.

CHAPTER 207

An Act to Cure Defects and Irregularities in Sales of Lands and Personal Property Heretofore Made by Trustees, Executors, Administrators and Guardians, and Validating Such Sales.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All sales by trustees, executors, administrators and guardians which, previous to the effective date of this act, were made to purchasers for a valuable consideration, which consideration has been paid by such purchasers in good faith, and such sales shall not have been set aside by the district or probate court having jurisdiction thereof, shall be sufficient to sustain a trustee's, executor's, administrator's or guardian's deed or conveyance to such purchaser, and, in case such deed or conveyance shall not have been given, shall entitle such purchaser to such deed or conveyance; and such deed or conveyance, if now executed or when executed, shall be sufficient to convey to such purchaser all the title that such beneficiary, decedent or ward had in said real or personal property; and all irregularities in obtaining the order of the court for such sale, and all irregularities or defects in making or conducting such sale by said trustee, executor, administrator or guardian, shall be disregarded, and such sale shall not be invalidated by reason of any such defect or irregularity.

Validation of sales of lands and personal property by trustees, executors, administrators and guardians heretofore made.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 6, 1947.

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CHAPTER 208

An Act Relating to Premarital Examination for Syphilis and the Protection of the Public Health; Providing for the Filing of a Certificate, Made by a Physician, or Other Person Authorized by the Laws of Montana to Make Such a Certificate, by Each Applicant for a Marriage License, Stating That the Applicant Has Been Given a Physical Examination, Including a Standard Serological Test, and Has Seen the Results of Such Serological Test Providing That Such Certificate Be Accompanied by a Statement From a Person in Charge of or Authorized to Make Reports for the Laboratory Making Such Test, Which Certificate and Statement Shall Be on a Form Provided by the Montana State Board of Health and Referred to in This Act as "The Certificate Form"; Providing for the Acceptance of Certificate Forms From Other States Having Comparable Laws, and From United States Army or Navy or United States Public Health Service; Defining Standard Serological Test and Approved Laboratory; Defining the Duties of the Montana State Board of Health in Connection Therewith; Providing Free Examinations and Laboratory Tests in Certain Cases; Prescribing Penalties for Violation of the Provisions of This Act; Providing for the Payment of the Expenses Necessary in Carrying Out the Provisions of This Act; Stating Validity and Saving Clauses; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Physician's certificate to be filed by applicant for marriage license.

Section 1. Before any person, who is or may hereafter be authorized by law to issue marriage licenses, shall issue a marriage license, each applicant therefor shall file with him a certificate from a duly qualified physician, licensed to practice medicine and surgery in any state or United States territory, or any other person authorized by the laws of Montana to make such a certificate, which certificate shall state that the applicant has been given such an examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than twenty (20) days prior to the date of issuance of such license, and that the report of the results of such serological test has been exhibited to the applicant

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and that each party to the proposed marriage contract has examined the report of the serological test of the other party to said proposed contract.

Consent to examination, who qualified to give.

Any person who by law is validly able to obtain a marriage license in the State of Montana is also validly able to give his or her consent to any examinations and tests required by this act. In submitting the blood specimen to the laboratory, the physician, or any other person authorized by the laws of Montana to make such a certificate, shall designate that it is a premarital test.

Contents of certificate.

Section 2. The certificate shall contain a statement, from the person in charge of the laboratory making the test or authorized to make such reports, setting forth the name of the test, the date it was made, the name and address of the physician, or to any other person authorized under the laws of Montana to make the test, to whom the test was sent and the name and address of the person whose blood was tested. In the event that an error is discovered in the results of the test, such results will be expunged from the records of the Montana State Board of Health. The said certificate and statement shall be on a form to be provided and distributed by the Montana state board of health to all county clerks of the court in the state and to laboratories in this state approved by the Montana state board of health. This form is hereinafter referred to in this act as "the certificate form".

Form of.

Acceptance of certificates from other states or U. S. army or navy.

Section 3. Certificate forms provided by other states having comparable laws will be accepted for persons who have been examined and who have received serological tests for syphilis outside of Montana; provided, such examinations and tests are performed not more than twenty (20) days prior to the issuance of a marriage license. Certificates provided by the United States army or navy will be accepted for military personnel; provided, such certificates are signed by a medical officer commissioned in the United States army or United States navy or United States public health service; and provided, the certificates state the examinations are serological tests for syphylis and were performed not more than twenty (20) days prior to the issuance of the marriage license.

Standard serological test defined.

Section 4. For the purpose of this act, a standard serological test shall be a test for syphilis approved by the

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Montana state board of health and an approved laboratory shall be the laboratory of the Montana state board of health or a laboratory approved by said board. Any other state, United States public health service or United States army or navy laboratory shall be considered approved, for the purposes of this act. Such laboratory test may be made on request, without charge at the laboratory of the state board of health. Reasonable rules and regulations for reports to be submitted by any laboratory making tests and the manner of furnishing same to the certifying physician and the state shall be promulgated by the state board of health.

Rules and regulations by board of health.

Examination by county physician or health officer.

Section 5. Any applicant for a marriage license may, if he so chooses be examined free of charge by the county physician or county health officer.

Penalties.

Section 6. Any applicant for a marriage license, physician, or other person authorized by the laws of Montana to make such a certificate, any person in charge of, or authorized to make such reports or statements for a laboratory who shall misrepresent his identity or any of the facts called for by the certificate form prescribed by this act; or any licensing officer who shall issue a marriage license without having received the certificate form or who shall have reason to believe that any of the facts on the certificate form have been misrepresented, and shall nevertheless issue a marriage license; or any person who shall otherwise fail to comply with the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than one hundred dollars ($100.00).

Certificates, laboratory reports to be confidential.

Penalty for divulging such information.

Certificates, laboratory statements or reports, and applications, in this act referred to and the information therein contained, shall be confidential and shall not be divulged to or open to inspection by any person other than state or local health officers or their duly authorized representatives. Any person who shall divulge such information or open to inspection such certificates, statements or reports, without authority, to any person not by law entitled to the same, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than one hundred dollars ($100.00).

Expense of administration of act.

Section 7. The state board of health shall provide the necessary printing and pay the necessary expenses rela-

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tive to the checking and approval of laboratories, clerical and technical assistance, involved in the administration of this act, and other expenditures necessary in carrying out the provisions and purposes of this act. All claims for such expenses shall be submitted for approval and audit to the state board of health, and shall be paid in accordance with law. Claims.

Section 8. If any division, section, subsection, sentence, clause, phrase or requirement of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The legislature declares that it would have passed this act and each and every division, section, subsection, sentence, clause, phrase or requirement thereof, irrespsetive of the fact that any one or more other divisions, sections, subsections, clauses, sentences, phrases or requirements be declared unconstitutional. Separability of act.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 10. This act shall be in full force and effect on and after July 1, 1947. Effective date.

Approved March 6, 1947.

CHAPTER 209

An Act to Amend Section 10468 of the Revised Codes of Montana, 1935, Relating to the Procedure in Cases of Dependent and Neglected Children.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10468 of the Revised Codes of Montana, 1935, be, and hereby is, amended to read as follows:

"Section 10468. Upon the filing of such petition, if it shall appear that one or both of said parents, or guardian, if there be no parent, reside in said county, the judge of said court shall issue a citation fixing the day and time of hearing of such petition, which shall be served upon one or both of said parents or guardian, if any, if either can be found in said county, not less than two (2) days before the time fixed for said hearing, requiring them to appear on said day and hour and show cause, if any, why Citation and procedure.

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said child should not be declared, by said court, to be a dependent or neglected child, and sent to the state orphans' home, or otherwise cared for. In case it shall appear by said petition that neither of said parents is living, or does not reside in said county, or in case one or both of said parents, or guardian, in case there be no parents, shall indorse on said petition a request that the child be declared to be a dependent child, then the citation herein provided for need not be issued, and the court may thereupon proceed to the examination and hearing provided for; *provided, however, that in all cases, except where the proceeding is instituted or commenced by a representative of the division of child welfare service of the state department of public welfare, a citation must be issued and served upon a representative of the division of the child welfare service of the department of public welfare of the State of Montana, either personally or by mail.* It shall be the duty of the officer receiving such citation to use diligence to find and serve the same on one or both of said parents, or upon the guardian, who shall represent such child in court; and in case there is neither of these found, then the court shall appoint an officer of the division of child welfare service, or some responsible taxpayer of said county, to represent said child in court, and the court may also appoint an attorney to represent said child. In case one or both of said parents of such child appear in court, it shall be the duty of the district judge to explain to the one so appearing the effect of an order of court, sending their child to the state home, or declaring it to be a dependent child. In case any dependent child is taken away from its parents or guardian under the provisions of this act, such parents or guardian shall thereafter have no right over or to the custody, service, or earnings of said child, except upon condition, in the interest of such child, as the court may impose or where, upon proper proceedings, such child may lawfully be restored to the parents or guardian."

Service of citation upon division of child welfare service.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1947.

CHAPTER 210

An Act to Amend Section 1 of Chapter 59 of the Laws of the Twenty-eighth Legislative Assembly of 1943, as

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Amended by Chapter 176 of the Laws of the Twenty-ninth Legislative Assembly of 1945, Relating to Inspection of Livestock Before Removal From County.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 59 of the laws of the twenty-eighth legislative assembly of 1943, as amended by Chapter 176 of the laws of the twenty-ninth legislative assembly of 1945, be, and the same is hereby amended as follows:

Sec. 1, Ch. 59 laws of 1943 as amended further amended.

"Section 1. Except as in this act otherwise provided, it shall be unlawful to remove or cause to be removed from any county in this state any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, by means of any railroad car, motor vehicle, trailer, horse-drawn vehicle, boat or in any manner whatsoever unless such animal shall have been inspected for brands by a state stock inspector or deputy state stock inspector and certificate of such inspection shall have been issued in connection with and for the purpose of such transportation or removal as in this act provided. Such inspection must be made in daylight.

Inspection of livestock.

"It shall be unlawful to sell or offer for sale at a livestock market any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly originating within any county in the State of Montana in which a livestock market is maintained, until such animal has been inspected for marks and brands by a state stock inspector, as in this act provided.

Sale without previous inspection unlawful.

"It shall be unlawful to remove or cause to be removed any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly from the premises of any livestock market in this state unless such animal shall have been inspected for marks and brands by a state stock inspector and an inspection certificate for such animal shall have been issued in connection with and for the purpose of such removal from the premises of such livestock market, as in this act provided.

Removal of animals from livestock market without previous inspection unlawful.

"The person in charge of any such cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being removed from any county in this state, where inspection thereof is required by this act, shall have in his

Possession and exhibition of certificate of inspection.

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possession the certificate of inspection issued in connection therewith, and shall exhibit the same to any sheriff, deputy sheriff, constable, state stock inspector or deputy state stock inspector at the request of either of them.

"The provisions of Section 1 of this act shall not apply,

Application of section 1 of act, cases in which it does not apply.

(a) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being transported through the state in interstate commerce without leaving the custody of the carrier;

(b) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly transported by railroad consigned to and which, without leaving the custody of the carrier, does reach a market at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which animal a loading tally has been filed by the shipper with the carrier as provided in Section 3341 of the Revised Codes of Montana of 1935;

(c) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one county to the next adjoining county within the State of Montana on to land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding or changing the range thereof;

(d) *to any animal or animals when driven on the hoof from one county to an adjoining county within the state for the purpose of shipment by railroad or delivery to a licensed public market by any person who has been the owner of said animal or animals for a period of at least three (3) months.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after July 1, 1947.

Approved March 6, 1947.

CHAPTER 211

An Act to Amend Section 1 of Chapter 74, of the Laws of the Twenty-sixth Legislative Assembly of 1939, and Directing the County Commissioners to Designate Places

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and Provide Facilities for Unloading and Loading of Livestock for Inspection Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1 of Chapter 74 of the Laws of the Twenty-sixth Legislative Assembly of 1939, be, and is hereby amended to read as follows: Sec. 1, Ch. 74 laws of 1939 amended.

"Section 1. The board of county commissioners *must, at the request of the Montana livestock commission,* designate within their respective counties certain convenient places and provide suitable facilities at said places for unloading and loading of livestock for inspection purposes." Places and facilities for unloading and loading livestock.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after July 1, 1947. Effective date.

Approved March 6, 1947.

CHAPTER 212

An Act to Amend Subsection (c) of Section 3, Article II of Chapter 210 of the Laws of the Twenty-sixth Legislative Assembly of the State of Montana, 1939, Providing for a Limitation of Time for Revocation of the License of an Operator or Chauffeur Convicted Under This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Subsection (c) of Section 3, Article II of Chapter 210 of the Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be, and the same is hereby amended to read as follows: Sub. Sec. (c) of Sec. 3, Art. II, Ch. 210, laws of 1939 amended.

"(c) The registrar shall revoke the operator's or chauffeur's license of the person so convicted *for a period of three (3) years from and after such conviction.*" Revocation of license.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 6, 1947.

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CHAPTER 213

An Act to Amend Chapter 129 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, by Adding Thereto a Section to be Known as Section 19 and Providing for the Renewal of Motor Vehicle Operator's and Chauffeur's Licenses and Registration Certificates.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 129 laws of 1937 amended.

Section 1. That Chapter 129 of the Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, be, and the same is hereby amended by adding a new section thereto to be known as Section 19, reading as follows:

Renewal of license after expiration of period of suspension or revocation.

"Section 19. That after the expiration of three (3) years from and after any suspension or revocation under the provisions of this act, the person whose license or certificate of registration has been so suspended shall be entitled to the renewal thereof without any further penalties or disabilities under this act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 214

An Act to Amend Section 12537, of the Revised Codes of Montana, 1935, Relating to Payment of Expense of Maintaining Girls Committed to the State Vocational School for Girls, by Providing for an Increase in Such Payment by Counties and by Providing for Admission of Indian Girls Who are Wards of the United States and Payment of the Cost of Their Maintenance by the Indian Department of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12537 R. C. M. amended.

Section 1. That Section 12537 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

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"12537. **Warrant of Judge—Expense of Commitment and Care.** The judge shall certify in the warrant the place where the girl resided at the time of her arrest; also her age as nearly as can be ascertained, and command a woman officer to take such girl and deliver her without delay to the principal of said school, or other person in charge thereof, at the place where the same is located, and the showing of such certificate for the purposes of this act shall be conclusive evidence of her residence or age; accompanying this warrant the judge shall transmit by the officer executing it a statement of the nature of the complaint to the principal, together with such other particulars concerning the girl as the judge is able to ascertain; provided, that the expense of committing such girl to the state vocational school for girls, of the returning of her to her parent or guardian after her release therefrom, shall be at the expense of the county from which the girl is committed; and provided, further, that the county from which any girl committed to the state vocational school for girls shall be sent shall be liable for the expense attending the care, education, training, and safe-keeping of such girl *while she is in actual physicial attendance or residence in said school,* and shall pay for the same the sum of *fifty cents ($.50)* per day for each girl so sent until final discharge; *and provided, further, that Indian girls who are wards of the United States may be committed by a court of competent jurisdiction and shall be eligible to, and shall be admitted to such school upon the payment or assurance of payment by the Indian Department for each Indian ward admitted a sum of money, the amount of which shall be determined by a careful estimate of the whole per capita cost of the school during the year immediately preceding the date of commitment, and the principal shall bill the proper agency therefor.* On the first of every month the principal of said vocational school for girls shall prepare and transmit to the respective boards of county commissioners of the several counties liable for such care, education, and safe-keeping a certificate showing in detail the persons on whose account such expense was incurred, the amount due on account of each such person respectively for the month preceding, and the said board of commissioners shall allow the said sum so certified against the respective counties, and shall pay the same by warrant to the state

Warrant of judge.

Expense of commitment and care.

Indian girls committed by court, admission of to such school.

Monthly report by principal of such school to board of county commissioners.

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vocational school for girls, the same as any other current expense of said county."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after the date of its passage and approval.

Approved March 6, 1947.

CHAPTER 215

An Act to Amend Sections 3685 and 3685.3, Revised Codes of Montana, 1935, as Amended by Chapter 174 of the Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to the Classes of Licenses for Hunting and Taking Game and Fish and Fur-Bearing Animals Within the State of Montana; the Fees and Powers Under Such Licenses; and Repealing All Acts and Parts of Acts In Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 3685 and 3685.3 R. C. M. as amended further amended.

Section 1. That Sections 3685 and 3685.3, Revised Codes of Montana, 1935, as amended by Chapter 174 of the Laws of the Twenty-sixth Legislative Assembly, 1939, be and the same are hereby amended to read as follows:

"Section 3685. **Fees and Powers Under Licenses—Tagging of Carcasses and Reports of Killing of Elk or Deer.** Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of *three ($3.00) dollars* as a license fee, and shall obtain a license of Class A, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game birds and to fish with hook and line or rod in hand as authorized by this act.

Class A license, and fee.

"Said applicant, if a resident of the State of Montana and a citizen of the United States, shall pay to the officer or person countersigning and issuing the license the sum of *two ($2.00) dollars*, and shall obtain a license of Class AA, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess any of the game animals of this state as authorized by this act; provided, however,

Class AA license, and fee.

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that said applicant, in order to obtain said Class AA license, must be the owner and possessor of a Class A license, as hereinabove defined.

Resident citizens, who are.

"All citizens of the United States who have lived in this state at least six months immediately preceding their application for a license, or officers, soldiers, sailors and marines of the United States Army, Navy or Marine Corps, shall be deemed resident citizens for the purpose of this act.

Class B, B-1 and B-2 licenses, and fees.

"Said applicant, if a non-resident of the state or a resident for less than six months immediately preceding his application for a license and a citizen of the United States shall pay to the officer countersigning and issuing the license the sum of *ten ($10.00) dollars* as a license fee, and shall obtain a Class B license, which shall entitle the holder to fish with hook and line or rod in hand, as authorized by this act; and such non-resident, on like application and on the payment of the sum of *twenty-five ($25.00) dollars* as a license fee, shall obtain a Class B1 license, which shall entitle him to pursue, hunt, shoot, kill, capture, and take game birds as authorized by this act; and such non-resident, on like application and on the payment of the sum of *one hundred ($100.00) dollars* as a license fee, shall obtain a license of Class B 2, which shall entitle the holder to pursue, hunt, shoot, kill, capture, take and possess game animals, as authorized by this act; provided, however, that any person in possession of first citizenship papers shall not be considered a resident of the State of Montana for the purpose of this act.

Licensee to attach tags to carcasses of deer and elk.

"To every license, whether issued to a resident or non-resident, which authorizes the licensee to kill elk or deer in this state, there shall be attached to said license certain tags, coupons or other markers, the form of which shall be prescribed by the state fish and game commission, and when any person shall take or kill any deer or elk under such license such person shall immediately thereafter detach from his license, and attach in plain sight to the carcass of said animal or animals the proper tag, coupon or other marker, which said tag, coupon or other marker shall be kept attached thereto so long as any considerable portion of the carcass remains unconsumed. When the proper tag, coupon or other marker is so attached to the said game so killed, the same may be possessed, used, stored and transported; provided the necessary permit to trans-

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port the same accompanies the shipment. To said license to hunt or take elk or deer shall also be attached a card, which said card shall on or before the first day of January of the year following the date of issuance of said license, be returned by the holder of said license to the fish and game commission and a report made to said commission of the game taken under said license and the place where the same was taken, it being the intent of this act to require every licensee to make said report whether any game was taken under said license or not. It shall be unlawful and a misdemeanor punishable, accordingly, for anyone killing any deer or elk under said license, to fail or neglect to attach the tag, coupon or other marker so provided by said license to any deer or elk killed by them immediately after the same had been killed or to fail to keep said tag, coupon or other marker attached to said deer or elk or portions thereof while the same is possessed by him.

Class D license, and fee.

"The applicant for a Class D or trapper's license, must be the owner and in possession of *Class A* license, and upon the payment of the sum of ten ($10.00) dollars to the officer to whom the application for a Class D license is made, shall receive and obtain a Class D license, or trapper's license, which shall authorize the holder thereof to trap fur-bearing animals within the state at such times and in such manner as may be lawful so to do under the laws of this state and the regulations of the fish and game commission, and at such places as may be designated in said license.

"Section 3685.3. **License Fee—Rights Under License —Term.** An applicant for such temporary, non-resident license, if a citizen of the United States and a non-resident of the State of Montana, shall pay to the officer or person countersigning and issuing such license the sum of two dollars and fifty cents ($2.50) as a license fee and shall obtain a license of Class BB, which shall entitle the holder to fish with hook and line or rod in hand, as authorized and limited by law, for a period of *three (3)* days from and after the date of issuance of such license."

Class BB license, and fee.

Effective date.

Section 2. This act shall be in full force and effect from and after the date of its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1947.

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CHAPTER 216

An Act to Amend Chapter 82 of the Montana Session Laws of 1937, as Amended by Part IX of Chapter 5, of the Montana Session Laws of 1941, and as Amended as to Section 3 Thereof by Chapter 68 of the Montana Session Laws of 1945, by Amending Sections 3, 4 and 8 Thereof, Providing Increased Payments to Persons Having Silicosis as Defined in the Act and by Authorizing Such Additional Appropriations as May Be Necessary to Make Such Increased Payments.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, part IX, Ch. 5, laws of 1941, as amended, further amended.

Section 1. That Section 3 of Part IX, Chapter 5 of the Montana Session Laws of 1941, as amended by Chapter 68 of the Montana Session Laws of 1945, be and the same is hereby amended to read as follows:

"Section 3. **Eligibility Requirements for Aid to Persons Having Silicosis, as Herein Defined.**

Payments shall be made under this part to any person who

Eligibility requirements for aid to persons having silicosis.

(a) Has silicosis, as defined in this part, which results in his total disability to do manual labor.

(b) Has resided in and been an inhabitant of the State of Montana for ten (10) years, or more, immediately preceding the date of the application.

(c) Is not at the time of receiving a payment under this part an inmate of any public institution, except Montana state tuberculosis sanitarium. If the person to whom payment has been ordered to be paid is an inmate of the Montana state tuberculosis sanitarium, then and in that case the payment herein provided for shall be made to his wife and children if any.

(d) Is not receiving, with respect to any month for which he would receive a payment under this part, compensation under the workmen's compensation act of the State of Montana, which will equal the *forty ($40.00) dollars* payment allowed hereunder. If he is receiving payments *from either or both of these plans* which is less in the aggregate than *forty ($40.00) dollars* per month, then if he is entitled to a payment under this part that pay-

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ment shall be the difference between the amount which he is receiving under *these plans* and *forty dollars ($40.00)* per month."

Sec. 4 of part IX, Ch. 5, laws of 1941, amended.

Section 2. That Section 4 of Part IX, Chapter 5 of the Montana Session Laws of 1941, be and the same is hereby amended to read as follows:

"Section 4. **Amount of Payments.** Any person who has silicosis, as defined in this part, and who has, subject to the regulations and standards of the state and county departments, been determined by the state department to be entitled to a payment under this part for silicosis, shall be granted a payment by the said state department of *forty ($40.00) dollars* per month subject to such appropriations as may from time to time be made. *The legislature shall authorize such additional appropriations as may be necessary to make the increased monthly payments provided herein.*"

Amount of payments.

Sec. 8 of part IX, Ch. 5, laws of 1941, amended.

Section 3. That Section 8 of Part IX, Chapter 5 of the Montana Session Laws of 1941, be and the same is hereby amended to read as follows:

"Section 8. **Conformity With Acts of Federal Government.** If and when the government of the United States makes grants to states in aid of and allowing payments to persons having silicosis, as herein defined, the public welfare department of the State of Montana is hereby authorized to administer in the State of Montana such grants in aid and payments in addition to grants made by this act. The total payments to any individual under this act shall not exceed *forty ($40.00) dollars* per month exclusive of any grants made by Congress."

Conformity with acts of federal government.

Total payments limited.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1947.

CHAPTER 217

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of Not to Exceed Six (6) Mills on Each Dollar of Taxable Valuation, in Addition to the Levy Which Is Now or May Be Hereafter Authorized by Section 9 of Article

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XII of the Constitution of the State of Montana, for a Period of Ten (10) Years Beginning With the Year 1949, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of An Additional Levy of Not to Exceed Six (6) Mills on Each Dollar of Taxable Valuation for the Support, Maintenance and Improvement of the Six Units Now Comprising the University of Montana, Together With the Agricultural Experiment Station and Its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so Much of the Money Derived Therefrom for Each Year During Said Period as May Be Necessary for Said Purposes, and Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election, Describing the Form of Ballots to Be Used and the Duties of the Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing When This Act Shall Take Effect, and Providing for Repeal of Chapter 143 of the Laws of 1939 and All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by a Majority of All Votes Cast at the Referendum Election Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Rate of taxation on property, for state purposes, increased six mills for ten-year period.

Section 1. That the rate of taxation on real and personal property for state purposes, as is hereafter defined, for each year for a period of ten (10) years beginning with the year 1949, shall be increased six (6) mills on each dollar of taxable valuation in addition to the levy which is now or may hereafter be authorized by Section 9 of Article XII of the constitution of the State of Montana, and the legislative assembly is authorized and empowered to levy an additional tax for state purposes for each of said years of not exceeding six (6) mills on each dollar of taxable valuation for state purposes, and all money derived from said additional levy of six (6) mills for each of said years or so much thereof as may be necessary shall be appropriated by the legislative assembly for the support, maintenance and improvement of the state university at Missoula, the state college of agriculture and mechanic arts at Bozeman, the Montana state

Levy of six mills additional for units of university and other named purposes.

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school of mines at Butte, the Montana state normal college at Dillon, the eastern Montana state normal school at Billings, and the northern Montana college at Havre, now comprising the units of the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and grain laboratory.

Act to be submitted to the people.

Section 2. There shall be a referendum upon this act, and the secretary of state of the State of Montana is hereby required and it is made his duty to submit this act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1948, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto; the title and number of this referendum act shall be printed upon the official ballot used at said election. Irrespective of the provisions of Section 103, Revised Codes of Montana, 1935, such title shall read as follows:

Title of referendum act.

An act providing for the increase of the rate of taxation on real and personal property for state purposes of not to exceed six (6) mills on each dollar of taxable valuation, in addition to the levy which is now or may be hereafter authorized by Section 9 of Article XII of the constitution of the State of Montana, for a period of ten (10) years beginning with the year 1949, and to authorize and empower the legislative assembly to levy a tax for each year during such period of an additional levy of not to exceed six (6) mills on each dollar of taxable valuation for the support, maintenance and improvement of the six units now comprising the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and the grain laboratory and to appropriate so much of the money derived therefrom for each year during said period as may be necessary for said purposes, and providing for the submission of this act to the qualified electors of the State of Montana at the next general election describing the form of ballots to be used and the duties of the secretary of state of the State of Montana relative to the submission of said act to the qualified electors of said state; providing when this act shall take effect, and providing for repeal of Chapter 143 of the laws of 1939 and all other acts and parts of acts in conflict herewith upon approval

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of this act by a majority of all votes cast at the referendum election herein provided.

Ballot, form of.

Below the said title of the act on said ballot there shall be printed the words and squares:

☐ For the levy for the University, Agricultural Experiment Stations and Extension Service.

☐ Against the levy for the University, Agricultural and Experiment Stations and Extension Service.

Each qualified elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Vote, canvass of.

Section 3. The vote upon this referendum act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such referendum act shall be in favor of the act, the governor of the State of Montana shall immediately so declare by public proclamation.

Effective date of act, proclamation by governor.

Section 4. This act shall be in full force and effect from and after its passage by this legislative assembly, approval by a majority vote of the qualified electors and proclamation of the governor thereafter; provided, however, nothing contained herein shall be construed to or shall in any manner effect a repeal of Chapter 143 of the laws of 1939 unless a majority of all votes cast at the referendum election herein provided shall be in favor of this act. Upon approval of this act by a majority of all votes cast at the referendum election herein provided, Chapter 143 of the laws of 1939 and all other acts and parts of acts in conflict herewith shall be hereby repealed.

Repeal of Ch. 143, laws of 1939, conditional.

Approved March 6, 1947.

CHAPTER 218

An Act to Provide for the Conservation of Underground Water; Providing for the Casing and Capping of Artesian Water Walls; Providing for the Regulation of Artesian and Deep Water Wells and Prohibiting the Waste of Water Therefrom; Providing a Penalty for the Violation of the Provisions of This Act and Prescribing the Duties of the State Engineer in Relation Thereto.

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Be it enacted by the Legislative Assembly of the State of Montana:

Right of land owner to sink artesian well.

Section 1. Any person owning land shall have the right to sink or bore an artesian well or wells on his land for the purpose of procuring water for domestic use, for the use of stock, or irrigation, or for manufacturing purposes.

Casing and appliances required.

Section 2. Every person sinking or boring an artesian well or well of more than 25 feet in depth in the state shall cause to be placed in such well a proper and sufficient casing so arranged as to prevent the cave-in of such well and to prevent the escape of water therefrom through any intervening sand and gravel stratum and shall provide the necessary valves, plugs or other appliances to prevent or control the flow of water from such well, and prevent the loss of underground water above or below the ground surface.

Log of well to be furnished to state engineer.

Section 3. That the driller shall keep a log of the depth, thickness, and character of the different strata penetrated, together with the data pertaining to the work; when begun; when finished; the amount, size and weight of casing, and how placed; size of drilled hole; when sealed and type of seal; name of well driller and type of machine used; the number of cubic feet per second or gallons per minute of flow from such well when finished, above the top of casing, and pressure thereof, if same be a flowing well; all of which shall be verified under oath on forms prescribed by the state engineer and furnished to the state engineer within thirty (30) days following completion of said well, and to be made a permanent record of his office.

Waste of water forbidden.

Section 4. No person owning or controlling an artesian well shall suffer or permit the water thereof to flow to waste except so far as reasonably necessary to prevent the obstruction thereof, or to flow or to be taken therefrom save for beneficial purposes. The state engineer shall administer this act in accordance with the rules and regulations for such administration. The state engineer may require periodical statements of water elevations. The state engineer at any time may hold a hearing on his own motion, or upon petition signed by a representative body of users of underground water in any area or sub-area, to determine whether the water supply within such area or sub-area is used in compliance with this act.

State engineer to administer act.

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Inspection, entry upon premises for that purpose.

Section 5. Any officer of the county or the state engineer or any assistant of the state engineer, the state geologist or a representative of the state board of health shall have the right to enter the premises of any such owner or proprietor, where any such well is situated, at any reasonable hour of the day, for the purpose of investigating any matters in connection with this act.

Penalty.

Section 6. Any person violating any of the provisions of this act shall be deemed guilty of misdemeanor, and on conviction thereof shall be punished as provided by law.

Information constitutes public records.

Section 7. Such information as is required or secured under the provisions hereof shall constitute public records, and as such shall be available to the public at all reasonable times.

Purpose of act.

Section 8. It is the intention of the legislature, by the exercise of the police powers of the state, to prevent the waste of underground waters and pollution and contamination of the underground water supply, and provide for the administration of the provisions of this act by regulations as may be necessary for the proper and orderly execution of the powers conferred by this act.

Artesian well defined.

Section 9. For the purpose of this act, an artesian well shall be defined as a well from which water flows naturally from the top of the ground.

Repealing clause.

Section 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed; provided that this act shall not constitute a repeal of Sections 2650.1, 2650.2 or 2650.3, Revised Codes of Montana, 1935.

Approved March 6, 1947.

CHAPTER 219

An Act to Amend Subsection (h) of Section VII of Part I of Chapter 82 of the Laws of the Twenty-fifth Legislative Assembly, 1937, as Amended by Section 3, Chapter 129 of the Laws of the Twenty-sixth Legislative Assembly, 1939, Relating to County Jurisdiction in Reimbursement to the State Department of Public Welfare of Ward Indians, Repealing All Acts and Parts

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of Acts in Conflict Herewith and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sub. Sec. (h), Sec. VII, part I, Ch. 82, laws of 1937 as amended further amended.

Section 1. That Subsection (h) of Section VII of Part I of Chapter 82 of the laws of the twenty-fifth legislative assembly, 1937, as amended by Section 3, Chapter 129 of the laws of the twenty-sixth legislative assembly, 1939, be and the same is hereby amended to read as follows:

To act as agent of federal government in public welfare matters.

"(h) Act as the agent of the federal government in public welfare matters of mutual concern in conformity with this act and the federal social security act, and in the administration of any federal funds granted to the state to aid in the purposes and functions of the state department.

"The counties shall not be required to reimburse the state department any portion of old age assistance, aid to needy dependent children or aid to needy blind paid to ward Indians, *further provided that counties shall not be required to pay general relief to ward Indians.* A ward Indian is hereby defined as an Indian who is living on an Indian reservation set aside for tribal use, or is a member of a tribe or nation accorded certain rights and privileges by treaty or by federal statutes. If and when the federal social security act is amended to define a 'ward Indian', such definition shall supersede the foregoing definition."

"Ward Indian" defined.

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

CHAPTER 220

An Act to Provide for the Regulation of the Operation of Refrigerated Lockers and the Dealing in, Handling and Processing of Food for Human Consumption in Connection Therewith; to Provide Standards of Sanitation and Quality; to Provide a System of Licenses; Defining Certain Offenses and Providing Penalties

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Therefor; and Providing for Lien and Foreclosure, and Prescribing the Power and Duties of the Director of the Food and Drugs Division of the State Board of Health of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. This act is in exercise of the police powers of the state for the protection of the safety, health and welfare of the people of the state. It hereby is found and declared that the public welfare requires control and regualtion of the operation of refrigerated lockers and of the sale, handling and processing of articles of human food in connection therewith, and the control, inspection and regulation of persons engaged therein, in order to prevent or eliminate unsanitary, unhealthful, fraudulent, and unfair or uneconomic practices and conditions in connection with the refrigerated locker business, which practices and conditions endanger public health, defraud customers, jeopardize the public source of supply and storage facilities of essential food products, and adversely affect an important and growing industry. It is further found and declared that the regulation of the refrigerated locker business, as above outlined, is in the interest of the economic and social well-being and the health and safety of the state and all of its people.

Refrigerated lockers, operation of, public welfare requires control and regulation of.

Section 2. **Definitions.** Except where the context indicates a different meaning, terms used in this act shall be defined as follows:

Definitions.

(a) "Refrigerated locker" or "locker" means any place, premises or establishment where facilities for the cold storage and preservation of human food in separate and individual compartments are offered to the public upon a rental or other basis providing compensation to the person offering such services.

"Refrigerated locker."

(b) "Person" includes any individual, partnership, corporation, association, county, municipality, cooperative group, or other entity engaging in the business of operating or owning or offering the services of refrigerated lockers as above defined.

"Person."

(c) The term "director" means the director of the food and drugs division of the state board of health of Montana.

"Director."

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License required.

Section 3. No person hereafter shall engage within this state in the business of owning, operating or offering the services of any refrigerated locker or lockers without having obtained from the director a license for each such place of business. Application for such license shall be made in writing and under oath to the director, on such forms and with such pertinent information as he may deem necessary. Such licenses shall be granted as a matter of right unless conditions exist which are grounds for a cancellation or revocation of a license as hereinafter set forth.

Fee.

Section 4. (a) There shall be paid to the director with each application for a refrigerated locker license or for renewal of such license an annual license fee of ten dollars ($10.00).

Term of license.

(b) Each such license shall expire on December 31st following its date of issue, unless sooner revoked for cause. Renewal may be obtained annually by paying the required annual license fee. Such license fee shall not be transferable to any person nor be applicable to any location other than that for which originally issued. Application made after July 1st of each year shall be entitled to such license for the remainder of the year on payment of a fee of five dollars ($5.00).

Cancellation or suspension of license.

Section 5. (a) The director may cancel or suspend any such license if he finds after proper investigation that (1) the licensee has violated any provisions of this act or of any other law of this state relating to the operation of refrigerated lockers or of the sale of any human food in connection therewith, or any regulation effective under any act the administration of which is in the charge of the state board of health of Montana, or (2) the licensed refrigerated locker premises or any equipment used therein or in connection therewith is in an unsanitary condition and the licensee has failed or refused to remedy the same within ten (10) days after receipt from the director of written notice to do so.

Statement of charge and opportunity to answer.

(b) No license shall be revoked or suspended by the director without delivery to the licensee of a written statement of the charge involved and an opportunity to answer such charge within ten (10) days from the date of such notice.

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(c) Any order made by the director suspending or revoking any license may be reviewed by certiorari in the district court of the county in which the licensed premises are located, within ten (10) days from the date notice in writing of the director's order revoking or suspending such license has been served upon him. Review in district court.

(d) It shall be the duty of each county attorney to whom any violation of this act is reported to cause appropriate proceedings to be instituted and prosecuted in the district court in the county without delay, provided, however, that nothing in this act shall be construed as requiring the director to report for prosecution minor violations of the act whenever he believes that the public interest will best be served by a suitable notice of warning in writing. Duty of county attorney.

Section 6. No person afflicted with any contagious or infectious disease shall work or be permitted to work in or about any refrigerated locker, nor in the handling, dealing nor processing of any human food in connection therewith. Diseased person forbidden to work in refrigerated locker.

Section 7. (a) The director of the food and drugs division is hereby empowered to prescribe and to enforce such rules and regulations and to make such definitions, and to prescribe such procedure with regard to hearings, as he may deem necessary to carry into effect the full intent and meaning of this act. Director to prescribe rules and regulations.

(b) The director is hereby authorized to enter into cooperative agreements with any of the state agencies or political subdivisions and he may delegate authority to these state agencies or political subdivisions for the purpose of carrying out the provisions of this act, or any part thereof. Cooperative agreements with state agencies.

Section 8. The director shall cause to be made periodically a thorough inspection of each establishment licensed under this act to determine whether or not the premises are constructed, equipped and operated in accordance with the requirements of this act and of all other laws of this state applicable to the operation either of refrigerated lockers or of the handling of human food in connection therewith, and of all regulations effective under this act relative to such operation. Such inspection shall also be made of each vehicle used by operator Inspection of licensed establishments.

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of refrigerated lockers or of an establishment handling human food in connection therewith, when such vehicle is used in transporting or distributing human food products to or from refrigerated lockers within this state.

Temperature controls required.

Section 9. Every operator of a refrigerated locker plant shall provide a complete refrigeration system with adequate capacity and accurate and reliable controls for the maintenance of the following uniform temperatures of the various refrigerated rooms if provided, under extreme conditions of outside temperatures and under peak load conditions in the normal operation of the plant. The temperatures of the following rooms shall not exceed:

Chill room, temperature of.

(a) Chill room, temperatures within two (2) degrees (Fahrenheit) plus or minus of thirty-five (35) degrees (Fahrenheit) with a tolerance of ten (10) degrees (Fahrenheit) after fresh food is put in for chilling;

Sharp freeze room.

(b) Sharp freeze room, sharp freeze compartments, temperatures of minus ten (-10) degrees (Fahrenheit) or lower, or temperatures of zero (0) degrees (Fahrenheit) or lower when forced air circulation is employed, with a tolerance of ten (10) degrees (Fahrenheit) for either type of installation after fresh food is put in for freezing;

Locker room.

(c) Locker room temperatures of zero (0) degrees (Fahrenheit) with a tolerance of twelve (12) degrees (Fahrenheit) plus.

Authority of director in proceedings.

Section 10. In any proceeding under this act the director may administer oaths and issue subpoenaes, summon witnesses and take testimony of any person within the State of Montana.

Penalties.

Section 11. Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars ($100.00) for the first offense, and not less than two hundred dollars ($200.00) for the second and for each and every subsequent offense, and each day that any violation continues shall constitute a separate offense.

Civil liability of owner or operator.

Section 12. The liability of the owner or operator of refrigerated lockers for loss of goods in lockers or in operator's care shall be limited to negligence of operation or of employees.

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Lien of operator.

Section 13. Every operator of a locker shall have a lien upon all the property of every kind in his possession for all lockers' rentals, processing, handling or other charges due. Such lien may be foreclosed under the procedure as provided for chattel mortgages.

Duty and liability of operator with respect to receipt of food for processing.

(a) Locker owners and operators shall not be responsible for liability for violations of game or other laws by renters unless the contents of the locker are under the control of the locker plant operator. Except that operator shall not receive for processing quick freeze, or cold storage any quarter, half, or whole carcass of any beef or veal or game or game birds except that such carcass or portion herein mentioned, shall be properly stamped or tagged. In the event that carcass or portion herein mentioned shall not be properly stamped or tagged, said operator shall require a declaration to be made and signed showing required authority to said carcass or portion thereof described with the detail of obtaining possession, date of placing in the locker, the weight and the type of meat, said declaration must be kept as a matter of record for one (1) year open to inspection by a duly authorized agent of the director.

Operators are not warehousemen.

Section 14. Persons who own or operate refrigerated locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the ordinary conduct of their business be construed to be negotiable warehouse receipts.

License fee, in lieu of existing fees.

Section 15. Payment of the license fee stipulated herein shall be accepted in lieu of any and all existing fees and charges for like purposes or intent which may be existent prior to the adoption of this act.

Separability of act.

Section 16. If any clause, sentence, paragraph, section or part of this act shall, for any reason, be adjudged or decreed to be invalid by any court of competent jurisdiction, such judgment or decree shall not affect, impair nor invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment or decree shall have been rendered.

Approved March 6, 1947.

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CHAPTER 221

An Act to Amend Section 1763.6, Revised Codes of Montana, 1935, Providing for the Regulation and Licensing of Dealers of Second-hand Motor Vehicles; Prescribing the Powers and Duties of the Registrar of Motor Vehicles in Connection With the Issuance of Such License; Requiring the Keeping of Records of Motor Vehicles Received for Sale; and Providing Penalties for the Violation of the Provisions of Said Act and Repealing All Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1763.6 R. C. M. amended.

Section 1. That Section 1763.6 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Licensing of second-hand dealers.

"1763.6. **Licensing of Second-hand Dealers—Keeping Records of Vehicles Received for Sale and Penalty.** *From and after the passage and approval of this act,* it shall be unlawful for any person to carry on or conduct in this state the business of buying, selling or dealing in used vehicles *and* parts thereof, unless and until he shall have received a license from the registrar of motor vehicles authorizing the carrying on or conducting of such business. Such license shall be furnished annually by the registrar of motor vehicles and shall run from the first day of January, nineteen hundred *forty-seven,* and annually thereafter for each year, beginning on the first day of January. The application for said license shall be in such form as may be prescribed by the said registrar of motor vehicles and subject to such rules and regulations with respect thereto as may be so prescribed by him. Such application shall be verified by oath or affirmation and shall contain a full statement of the name or names of the person or persons applying therefor, the name of the firm or co-partnership with the names and places of residence of all the members thereof, if such applicant be a firm or co-partnership, the name and residence of the principal officers, if the applicant be a body corporate or other artificial body, the name of the state under whose laws the corporation is organized, the location of the place or places at which such business is to be carried on and conducted, and said application shall

Application for license.

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contain such other relevant information as may be required by the registrar of motor vehicles. It shall be accompanied by a statement of two reputable persons of the community in which the principal place of business is to be located, certifying to the good moral character of the person or persons applying for such license. Upon making such application the person applying therefor shall pay to the registrar of motor vehicles in addition to the fees required of dealers under the provisions of Section 1760, a fee of five ($5.00) dollars. A license certificate shall be issued by the registrar of motor vehicles in accordance with such application when the same shall be regular in form and in compliance with the provisions of this section, and such license, when so issued, shall entitle the licensee to carry on and conduct the business of buying and selling and dealing in used vehicles and parts thereof, for a period of one (1) year from the first day of January of the current year. The registrar of motor vehicles shall have the power to make suitable rules and regulations for the issuance of such licenses to expire upon the first day of January of the succeeding year, when the application therefor shall be made during the current year, and upon payment of a license fee of three ($3.00) dollars provided application is made after July first of any year. Any person conducting the business of buying, selling or dealing in used vehicles and having received a license therefor, shall, before removing any one (1) or more of his places of business, or shall, before opening any additional places of business, apply to the registrar of motor vehicles for, and obtain, a supplemental license, for which no fee shall be charged. Every such licensee shall keep a book or record in such form as may be prescribed or approved by the registrar of motor vehicles, in which he shall keep a record of the purchase, sale or exchange or receipt for the purpose of sale, of any second-hand vehicle or parts thereof, a description of such vehicles or parts, together with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such vehicle or parts were purchased or received, or to whom they were sold or delivered, as the case may be. Such description in the case of motor vehicles shall also include the engine number, if any, the maker's number, if any, chassis number, if any, and such other numbers or identification

Fee.

Record to be kept by licensee.

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marks as may be thereon, and shall also include a statement that a number has been obliterated, defaced or changed, if such is the fact. In the case of a trailer or semi-trailer, the record shall include the manufacturer's number and such other numbers or identification marks as may be thereon. He shall also have in his possession a duly assigned certificate of title from the owner of said motor vehicle in accordance with the provisions of another section of this act, from the time when the motor vehicle is delivered to him until it has been disposed of by him. Any person guilty of violating any of the provisions of this section shall be guilty of a *misdemeanor.*"

Penalty.

Approved March 6, 1947.

CHAPTER 222

An Act to Establish a Branch of the Agricultural Experiment Station of Montana State College of the University of Montana to Be Known as the Eastern Montana Branch Station.

Be it enacted by the Legislative Assembly of the State of Montana:

Eastern Montana branch experiment station established.

Section 1. That there is hereby established a branch of the agricultural experiment station of Montana state college of the university of Montana to be known as the eastern Montana branch station for the purpose of conducting studies, investigations, and researches into agricultural problems. Said branch station shall be located on a site to be selected by the administrative officers of the agricultural experiment station subject to the approval of the state board of education, and shall be under the general supervision of the director of the agricultural experiment station. Said director shall be authorized to employ competent assistants and such other help as may be necessary to carry on the work and to incur other necessary expenses for operation and maintenance.

State board of examiners authorized to accept donation of land.

Section 2. That the Montana state board of examiners is hereby authorized to accept, on behalf of the State of Montana, for the use of the agricultural experiment station in establishing said eastern Montana branch station, donation or donations of land adequate and suitable for experimental purposes, providing such land be conveyed

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to the state in fee simple, and be free of all incumbrances and title to same shall be acceptable to the attorney general of Montana.

Donations of money and equipment.

Section 3. That the Montana state board of examiners is hereby authorized to accept, on behalf of the State of Montana, for the use of the agricultural experiment station in establishing and operating said eastern Montana branch station, donations of money, implements, scientific equipment, building materials, livestock, and supplies.

Approved March 6, 1947.

CHAPTER 223

An Act to Amend Section 5653 of the Revised Codes of Montana, 1935, as Amended by Chapter 66 of the Session Laws of Montana of 1937, and by Chapter 160 of the Session Laws of Montana of 1943, Providing for Preference in Employment of Honorably Discharged Men and Women from Service in Wars in Which the United States Is or Has Been Involved, in Every Public Department, and Upon All Public Works of the State of Montana, and of Any County and City Thereof, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5653 R. C. M. as amended further amended.

Section 1. That Section 5653 of the Revised Codes of Montana of 1935, as amended by Chapter 66 of the Session Laws of Montana, 1937, and Chapter 160 of the Session Laws of Montana of 1943, be and the same is amended to read as follows:

Preference of soldiers and sailors in public employment.

"Section 5653. In every public department, and upon all public works of the State of Montana, and of any county and city thereof, honorably discharged Union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the World War I, and men and women who *were* honorably discharged *after serving in World War II, as well as the widow of any such veteran who served in World War II,* and any disabled civilian recommended by the state rehabilitation bureau, shall be preferred for appointment

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and employment; age, loss of limb or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the business capacity, competency and education to discharge the duties of the position involved, and honorably discharged Union soldiers and sailors and their widows of the Civil War, the Spanish-American War, the Philippine Insurrection, and of the World War I, and men and women who *were* honorably discharged *after serving in World War II*, who have disabilities admitted by the veterans' administration of the United States to have been incurred in the service in any of said wars, where said disabilities do not interfere with the employment, said disabled veterans, *and the widows of such disabled veterans*, shall be given preference before the employment of able-bodied veterans as herein designated; provided, however, that none of the benefits of this act shall accrue to any person who refused to serve on active duty in the military service to which attached, or to take up arms in the defense of the United States; provided, however, that no persons, not a citizen of the United States, shall be employed by any state, city or county officer in any capacity if competent American labor is available; and, provided, further, that no person who has not been a resident of Montana for at least one (1) year immediately preceding an appointment shall be entitled to such preference; provided further, that for city or county employment no preference will be granted unless applicant under this act is also a resident of the city or town or county in which employment is sought. That any person entitled to preference in this section who has applied for any appointment or employment upon public works of the State of Montana or of any county and city thereof, or in any public department of said state and who has been denied said employment or appointment and feels that the spirit of this act has been violated and that he is in fact qualified physically, mentally and possesses business capacity, competency and education to discharge the duties of the position applied for, shall have the right to petition by verified petition the district court of the State of Montana in the county in which the work is to be performed, setting forth the facts of his application, qualifications, competency and his honorable discharge or other qualifications warranting him to preference under this act, and upon the filing of such petition any judge in said court shall *forthwith issue an*

Citizenship required.

Residence.

Right to petition the district court.

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order to show cause to the appointing authority directing said appointing authority to appear in said court at a specified time and place, not less than five (5) nor more than ten (10) days after the filing of said verified petition, to show cause, if any he has, why said veteran or person entitled to preference should not be employed by him and that said district court shall have jurisdiction upon the proper showing to issue its order directing and ordering said appointing authority to comply with this law in giving the preference herein provided.''

Court order to show cause.

Final order.

Section 2. If any section, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Separability of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 6, 1947.

CHAPTER 224

An Act for the General Revision of the Laws of Montana Relating to Fish and Game: To Amend the Following Sections of the Revised Codes of Montana of 1935, Pertaining to Fish and Game to-wit: Sections 3679, 3682, 3689, 3694, as Amended by Section 1 of Chapter 159, Laws of 1941; 3696.2, 3698, 3704 as Amended by Section 1, Chapter 95 Session Laws of 1943; 3706, 3709, 3713, 3718, 3719, 3721.1, 3722, 3723, 3724, 3725, 3730, 3733, 3734, 3735, 3740, 3742, as Amended by Section 1, Chapter 22, Laws of 1941; 3746, 3751, 3760, 3761, 3764, 3769, 3773, 3778.2, and 3778.8; to Repeal the Following Sections of the Revised Codes of Montana of 1935, Also Relating to Fish and Game to-wit: Sections 3691.1, 3697.2, 3722.1, 3729.4, 3729.5, 3729.6, 3770, 3772, 3774, 3775, 3776, 3776.1, 3776.2, 3776.4, 3776.5, 3776.6, 3776.7, 3776.8, 3776.9, 3776.10, 3776.11, 3776.12, 3776.13, 3776.15

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and 3778, and to Repeal All Acts and Parts of Act in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. *DECLARATION OF PURPOSE. It is hereby declared to be the purpose of this act to revise the fish and game laws of Montana by eliminating duplications and conflicting provisions therein, and in particular to make the penal provisions of said laws more definite and certain.*

Sec. 3679 R. C. M. amended.

Section 2. That Section 3679, R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3679. **Penalty for Violations of Orders, Rules and Regulations of Commission.** Any person who shall violate any of the provisions of any order, rule, or regulations of the state fish and game commission made pursuant to the authority given *said commission by any of the laws of Montana, particularly including Sections 3650 to 3778.8 inclusive, R. C. M. 1935, and all acts amendatory thereof or supplemental thereto shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.*"

Penalty for violations of orders, rules and regulations of commission.

Sec. 3682 R. C. M. amended.

Section 3. That Section 3682 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3682. **License Required.** It shall be unlawful and a misdemeanor punishable *as provided by Section 3706 R. C. M. 1935,* for any person to pursue, hunt, trap, take, shoot, kill or attempt to trap, take, shoot, or kill, any game animal, or any game bird, or any fur-bearing animal, or to take, kill, trap, or fish, for any fish within this state, or to have, keep or possess within this state, any game animal, game bird, fur-bearing animal, or game fish, or parts thereof, except as herein provided or shall be provided by the state fish and game commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish except at the places and during the periods and in the manner herein defined or shall be defined by the

Hunting, trapping, taking, or killing game animals, birds or fish without a license declared unlawful.

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state fish and game commission, or for any person to pursue, hunt, trap, take, shoot or kill, or attempt to trap, take, shoot or kill, any game animal, game bird, or fur-bearing animal, or take, kill, trap, or fish for, any fish within this state, or have, keep, possess, sell, purchase, ship or reship, any imported or other fur-bearing animal, or parts thereof, without first having obtained a proper license or permit from the commission so to do."

Sec. 3689 R. C. M. amended.

Section 4. That Section 3689 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Failure to carry or exhibit license declared unlawful.

"Section 3689. **Carrying and Exhibiting License.** It shall be unlawful and a misdemeanor punishable *as provided by Section 3706 R. C. M. 1935,* for any person to whom a license or permit has been issued to fish for or take any fish, or pursue, hunt, shoot, kill, or take, any game bird or game animal or attempt to trap, or trap, or take any fur-bearing animal in this state unless at the time he shall have such license or licenses, or permit, in his possession, and it shall be unlawful to refuse to exhibit the same for inspection to any deputy state fish and game warden or other officer requesting to see the same."

Sec. 3694 R. C. M. amended.

Section 5. That Section 3694 as amended by Section 1, Chapter 159, Session Laws of 1941, be, and the same is hereby amended to read as follows:

"Section 3694. **Restrictions of Manner of Taking and Possessing Fish and Game and Powers of Commission Relating Thereto.**

Manner of taking game restricted.

1. It shall be unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot or kill, any game animal, or game bird from any automobile or on, or from any public highway in the State of Montana, or by the aid or with the use of any set gun, jack-light, or other artificial light, trap, snare, salt lick nor shall any such set gun, jack-light or other artificial light, trap, snare, salt lick or other device to entrap or entice game animals or game birds be used, made or set; provided, however, that this does not prohibit the shooting of wild waterfowl from blinds over decoys with a gun only, not larger than a number ten (10) gauge fired from the shoulder, nor shall any game fish be caught, captured, or taken, or attempted to be caught, captured or taken by the aid or with the use of any gun, or trap, nor shall any such set

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gun, or trap or other device to entrap game fish be used, made, or set.

Use of aeroplane, powerboat forbidden.

2. No game birds or game or fur-bearing animals shall be killed, taken or hunted from an aeroplane, nor shall any aeroplane be used for the purpose of concentrating, pursuing, driving, rallying or stirring up any game or migratory birds, game or fur-bearing animals, nor shall any powerboat, sailboat, or any boat under sail or any floating device towed by a powerboat, sailboat, or any boat under sail be used for the purpose of killing, capturing, taking, pursuing, concentrating, driving or stirring up any game birds, or migratory waterfowl, or game or fur-bearing animals.

Firearm silencer.

3. No person shall take into a field or forest or have in his possession while out hunting, any device or mechanism devised to silence or muffle or minimize the report of any firearms, whether such device or mechanism be operated from or attached to any firearm.

Chasing with dogs.

4. No person shall chase with dogs any of the game or fur-bearing animals as defined by the fish and game laws of this state; provided, however, that livestock owners, employees of the state fish and game commission and of the United States bureau of biological survey may use dogs in pursuit of stock-killing bears, or other means of taking stock-killing bears except the use of the dead fall; providing, however, that traps used in capturing bear shall be inspected twice each day, which inspection shall be twelve (12) hours apart; and provided further, that a person may take game birds during the open season thereof, with the aid of a dog or dogs and any person or association organized for the protection of game, may run field trials at any time upon obtaining written permission from the state fish and game warden.

Taking birds with aid of a dog.

Fishing with hook and line permitted any time in named rivers.

5. It shall be lawful to catch fish in the Yellowstone, Missouri, and Kootenai rivers at any season of the year with hook and line, or rod in hand, and *non-game fish may be caught in such portions of said rivers as shall be designated by the commission at any season of the year with set-lines, the commission to prescribe the length there of and the number of books thereon;* provided however that the commission shall have the power to limit the fishing for ling to angling when it is ascertained that game

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fish are being caught with said set-lines. It shall be lawful to take by angling non-game fish in any quantity from any of the waters of state during the open fishing season pertaining to such waters.

Angling non-game fish in any quantity during open season.

6. Game fish shall be taken only by angling, that is by hook and line in hand or rod in hand; this does not prevent, however, the use of a landing net or gaff to land a game fish after the same has been hooked by angling as above specified, nor does it prevent the taking of minnows other than game fish variety by the use or aid *of a net not to exceed twelve (12) feet in length and three (3) feet in width, in such waters as may be designated by the commission.*

Game fish to be taken only by angling.

7. It is hereby made unlawful for any person, persons, firm or corporation to sell or have in their possession, any salmon eggs or salmon spawn, or any imitations thereof, or substance prepared therefrom, and it shall also be unlawful for any person or persons to use in any of the waters in this state any salmon eggs or other fish spawn, or any imitation or substance prepared therefrom, as a fish bait or fish lure.

Salmon eggs or spawn, possession of unlawful.

8. It shall be unlawful to catch any game fish through the ice, or through a hole in the ice, except in such waters as are designated under proper order of the state fish and game commission. In case any game fish is unintentionally taken contrary to the prohibition or restrictions contained in this act, such fish shall be immediately liberated and returned to the water without unnecessary injury.

Catching game fish through ice.

9. The state fish and game commission shall have the power to change or suspend the closed season on game fish so as to meet local conditions. The said commission shall have the power to set the opening dates of fishing season; provided, however, that they shall open the season in the several localities on a Sunday.

Seasons, power of commission to change or suspend.

10. Whenever said fish and game commission shall have made any orders, rules or regulations for the carrying out of the powers granted to it under this act, the same shall take effect and be in force from and after the publication and posting of notice of said orders, rules and regulations as required by the fish and game laws.

Orders and regulations take effect when.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be punishable as provided by Section 3706 R. C. M. 1935.

Penalties.

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Sec. 3696.2 R. C. M. amended.

Section 6. That Section 3696.2 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3696.2. TAKING MORE THAN ONE (1) ELK DURING OPEN SEASON, HUNTING DURING CLOSED SEASON, WASTING MEAT. During the open season for elk in any territory or during any period of time that the hunting or killing of elk is or may hereafter be made lawful, it shall be unlawful and a misdemeanor punishable by a fine of not less than two hundred dollars ($200.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days, nor more than six (6) months, or by both such fine and imprisonment, for any person to shoot, kill, take, or cause to be shot, killed or taken, more than one (1) elk or for any person during the closed season for elk to pursue, hunt, shoot, kill, take, capture, or cause to be pursued, hunted, shot, killed, taken, captured, or attempt to shoot, kill, or take any elk within said territory, or for any person responsible for the death of any elk to wilfully waste any portion or portions of said elk which are suitable for food."

Taking more than one elk during open season penalized.

Hunting elk during closed season.

Waste of meat.

Sec. 3698 R. C. M. amended.

Section 7. That Section 3698 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3698. **Destroying Evidence of Sex Constitutes Misdemeanor.** Any person killing any deer within this state who shall destroy such evidence of the sex of the deer so killed, as to make the determination of the sex thereof uncertain, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished *as provided in Section 3706 R. C. M. 1935."*

Destroying evidence of sex of deer.

Sec. 3704 R. C. M. as amended further amended.

Section 8. That Section 3704 R. C. M. 1935, as amended by Section 1, Chapter 95, Session Laws of 1943, be, and the same is hereby amended as follows:

"Section 3704. *It shall hereafter be unlawful and a misdemeanor for any person to shoot, trap, kill, or capture, or cause to be shot, trapped, killed, or captured, or attempt to shoot, trap, kill, or capture any marten or sable, otter, fox, mink, muskrat, raccoon, or fisher until such time as the commission shall provide an open season on any marten or sable, otter, fox, mink, muskrat, raccoon, or fisher*; provided, however, that when it is shown that muskrats are doing severe injury upon, or are a menace to the structures, canal banks or other works of an irriga-

Killing or taking named fur-bearing animals presently unlawful.

Proviso relating to muskrats.

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tion project or district, any resident land owner on such project or district may kill or trap or caused to be killed or trapped any muskrat upon or in menacing proximity to the structures, canal banks or other works of such project or district during the closed season on muskrats, after having secured from the state fish and game warden a permit so to do, except that from June First (1st) to August Thirty-first (31st), both dates inclusive, of each year, no such permit shall be required. The furs and hides of such animals, legally taken during the open season, may be possessed, bought and sold at any time *except as hereinafter provided.*

Trapping marten during open season.

Any person trapping marten during the open season thereon shall present all skins or pelts of marten so taken to the deputy game warden residing in the district where the pelts were taken, and shall furnish an affidavit, giving his name, residence, license number, the date and place of capture, and the number of marten so taken, and if the warden is satisfied of the legal taking of the same, he shall attach a number metal tag to each skin covered by the affidavit; no charge shall be made for tags and the pelts so tagged may be bought, sold or transported at any time within the State of Montana, but no marten skin shall be exported in any manner from the state without the shipper first obtaining a shipping permit from the state fish and game warden, the application for which shall show the number of the metal tags attached to said marten skins.

Tagging.

A record of tags so issued shall be kept in the office of the state fish and game warden.

Receiving or bringing in marten from without the state.

Any person who shall receive or bring into from without the state any marten skin or skins with a numbered metal tag of another state or untagged marten skins coming from without the state where the state in which the marten skins were caught does not require that metal tags be attached before shipment, shall report their arrival within ten (10) days to the state fish and game warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated from the tags, and the name of the state so tagging the same, and it shall not be necessary for such skins to be retagged with a Montana tag nor any other fees paid therefor.

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Removal of tag forbidden.

It shall be a misdemeanor, punishable as hereinafter provided, for any person to remove any tag from such skins or to buy, sell or transport untagged marten skins, except as provided in this act, or fail to have tags attached to marten skins as herein provided within twenty (20) days of the expiration date of the open season thereon.

Destroying muskrat or beaver house.

It shall be unlawful and punishable, as in this act hereinafter provided, for any person at any time to wilfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver.

Penalties.

Any person violating any of the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished *as provided in Section 3706, of the Revised Codes of Montana, 1935.*"

Sec. 3706 R. C. M. amended.

Section 9. That Section 3706 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 3706. **Penalty.** *Any person violating any provision of any statute of the State of Montana pertaining to fish and game including the provisions of Sections 3650 to 3778.8 inclusive, R. C. M. 1935, and all acts amendatory thereof or supplemental thereto, shall, unless a different punishment is expressly provided by law for such violation, be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars ($25.00), nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. In addition thereto such person shall in the discretion of the court, forfeit his license to hunt, fish or trap within this state for a period of one (1) year from the date of his conviction.*"

Penalties.

Sec. 3709 R. C. M. amended.

Section 10. That Section 3709 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3709. **Failure to Procure Alien Gun License.** Any alien of the United States who shall have in his possession or under his control any gun, pistol or other firearm without having taken out and being at the time in possession of a license as provided in the preceding section, shall be guilty of a misdemeanor, *and shall be punishable in the manner provided by Section 3706 R. C. M. 1935.*"

Failure to procure alien gun license.

Penalty.

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Section 11. That Section 3713 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

Sec. 3713 R. C. M. amended.

"Section 3713. **Sale of Fish or Spawn Prohibited—Exceptions.** Every person who in any way catches any of the fish which in this act are classified as "game fish" or who shall remove or cause to be removed the eggs or spawn of any such fish for speculative purposes, for market or for sale, or who shall sell or offer for sale any of the game fish of this state as in this act defined, or the eggs or spawn therefrom shall be deemed guilty of a misdemeanor and shall be *punishable as provided by Section 3706 R. C. M. 1935;* provided, however, that this section shall not apply to fish caught in private ponds by the owners thereof nor to the taking of fish by the state authorities for the purpose of obtaining eggs for propagation in state fish hatcheries, or by any person who receives a permit from the state fish and game commission to take eggs for said purposes."

Sale of fish or spawn prohibited.

Penalty.

Exceptions.

Section 12. That Section 3718 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Sec. 3718 R. C. M. amended.

"Section 3718. **Dumping Refuse From Sawmill Into Streams.** No person or corporation operating a sawmill on or near any stream, pond, lake or river shall hereafter dump, drop, cart or deposit, or cause to be dumped, dropped, carted, or deposited, sawdust, bark, shavings, oil, ashes, cinders, or debris in or near any such stream, pond, lake or river, in such manner or place as will likely result or cause the same to be carried into the waters of any such stream, pond, lake or river; and any person so doing shall be deemed guilty of a misdemeanor, and, upon conviction. *shall be punished as provided by Section 3706 R. C. M. 1935."*

Dumping refuse from sawmill into streams.

Penalty

Section 13. That Section 3719 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Sec. 3719 R. C. M. amended.

"Section 3719. **Killing of Moose, Bison, Buffalo, Caribou, or Antelope.** Any person who wilfully shoots or kills, or captures or causes to be shot or killed, or captured, any moose, bison, buffalo, caribou or antelope (and it is hereby made unlawful to kill any of said animals except as hereinafter stated) is guilty of a misdemeanor and shall be punished *as provided by Section 3706 R. C. M. 1935."*

Killing moose, bison, buffalo, caribou or antelope.

Penalty.

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Sec. 3721.1 R. C. M. amended.

Section 14. That Section 3721.1 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Killing game for head, hide, antlers, tusks or teeth unlawful.

"Section 3721.1. **Killing Game for Head, Hide, Antlers, Tusks or Teeth Unlawful.** Any person who at any time kills, captures or destroys any game animal of this state and detaches or removes from the carcass only the head, hide, antlers, tusks or teeth or any, or all of the aforesaid parts, is guilty of a misdemeanor *and punishable as provided by Section 3706 R. C. M. 1935.*"

Penalty.

Sec. 3722 R. C. M. amended.

Section 15. That Section 3722 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3722. **Protection of Beaver—Permits and Fee—Tagging, Importing and Exporting of Skins—Expiration of Permit—Penalty for Violation.**

Protection of beaver.

1. No person shall take, *shoot,* trap, kill, capture or attempt to take, trap, *shoot,* kill or capture, or in any way destroy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the state, or cause the same to be done, any beaver or any part thereof including skins or hides and castors whether taken within or coming from without the state, except as hereinafter permitted.

Permit to be issued, when.

The state fish and game warden may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to *trap* beaver on his own or leased premises only, and provided that the warden shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be *trapped* under such permit.

Fee.

The fee for such permit shall be ten dollars ($10.00) for ten (10) or less number of beaver and one dollar ($1.00) per beaver for any number in excess of ten (10).

Applications for permits.

All applications for beaver permits shall be filed with the state fish and game warden, between the dates of May First (1st) and *September Thirtieth (30th)* of each year. The term "premises" shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

Investigation of premises.

That the state fish and game warden shall in person or, by deputy, examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

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Duty of person trapping beaver under permit.

Any person trapping beaver under a license or permit of the state fish and game warden shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the deputy state fish and game warden residing in this county, or in event of such deputy being absent or unable to act, then to the nearest deputy from the place of the trapper's residence, and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture, with the number so captured, together with fifty cents (50c) for each skin, and if such officer is satisfied of the legal taking of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the state fish and game warden, and upon the receipt thereof the state fish and game warden shall forward to such deputy numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon receipt of such tags, the deputy shall so attach them to the skins and shall receive from the owner ten cents (10c) for each skin so tagged by him, the same to be for his services.

Record of tags.

A record of tags so issued shall be kept in the office of the state fish and game warden.

Receiving or bringing in beaver skin from without state.

Any person who shall receive or bring into from without the state any beaver skin or skins duly tagged with a distinctive numbered metal tag of another state, shall report their arrival within ten (10) days to the state fish and game warden and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated on the tags, and the name of the state so tagging the same, and the same shall be accompanied by a fee of fifty cents (50c), and it shall not be necessary for such skins to be re-tagged with a Montana tag, nor any other fees paid therefor.

Record of skins.

The state fish and game warden shall keep a record of all skins so reported.

Removal of tag forbidden.

Each metal tag shall remain attached to the beaver skin to which it was originally affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the state. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skins, to dupli-

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cate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this act, or to misuse any tag detached from the skin to which it was originally attached.

Export of beaver skins, permit required for.

Beaver skins taken within the state under permit, and those coming from without the state, tagged as herein provided, may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the state without the shipper first obtaining an export or shipping permit from the state fish and game warden, which may be issued upon application showing the kind and number of the metal tags on said skins and the payment of a fee of *sixty cents (60c)* for the permit for each shipment.

Marking of package.

Any package offered for transportation from the state which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and consignee, the number and kind of skins contained therein, and the number of the shipping permit.

Penalties.

Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished *as provided by Section 3706, Revised Codes of Montana, 1935.* Any beaver skin or skins taken or found in this state or which have been shipped out of this state except as specifically permitted by this section are being hereby declared contraband and shall be seized by the state fish and game warden, deputy or other officer authorized to enforce the provisions of this act. All skins so seized shall be marked or tagged for identification and sold by the state fish and game warden *at public auction in the State of Montana, after advertising at least fifteen (15) days prior to the date of sale,* and the proceeds therefrom turned into the state treasury to be credited to the fish and game fund.

Expiration of permit.

Beaver trapping permits issued under the provisions of this act shall expire May First (1st) of each year, and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to *June First (1st)* following, shall be subject to seizure and sale as herein provided."

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Sec. 3723 R. C. M. amended.

Section 16. That Section 3723 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Protection of wild birds other than game birds.

"Section 3723. **Protection of Wild Birds Other Than Game Birds.** Any person who at any time shall hunt, capture, kill, possess, purchase, offer or expose for sale, ship, transport or cause to be shipped or transported any wild bird other than a game bird, or any part of the plumage, skin or body of any such bird, irrespective of whether said bird was captured or killed within or without the state, or take or destroy the nest or eggs of any such wild bird, except under a certificate or permit issued by the state fish and game warden, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as *provided by Section 3706 R. C. M. 1935.* The provisions of this section shall not apply to the hunting, trapping, or killing of English sparrows, crows, eagles, hawks, snow owls, great gray owls, great horned owls, blackbirds, kingfishers, magpies and jays and such other birds as the fish and game commission shall designate, or the taking or destruction of their nests and eggs."

Penalty.

Sec. 3724 R. C. M. amended.

Section 17. That Section 3724 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Destruction of nests or eggs of birds or wild fowls.

"Section 3724. **Destruction of Nests or Eggs of Birds or Wild Fowl.** Any person who shall wilfully destroy the nests, or carry away the eggs from the nests of any of the birds or wild fowls mentioned in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished *as provided by Section 3706 R. C. M. 1935.*"

Penalty.

Sec. 3725 R. C. M. amended.

Section 18. That Section 3725 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Possession of unlawfully killed animals or unlawful fishing implements, as prima facie evidence.

"Section 3725. **Possession of Unlawfully Killed Animals and of Unlawful Fishing Implements—Prima Facie Evidence—Penalty.** The possession of dead bodies, or any part thereof, of any of the game fish, game or non-game birds, game or fur-bearing animals defined by the fish and game laws of the State of Montana shall be prima facie evidence that such person or persons in whose possession the same are found have killed, caught or taken the same, and the possession of a fishing rod and line, spear, gig or barbed fork, on the banks or shores of a stream or lake shall be prima facie evidence that the per-

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son or persons in whose possession the same are found was using the same to fish.

Any person who shall possess, have or hold, or purchase, or keep in storage, or possess for any other purpose, any game fish, game bird, non-game bird, game animal, fur-bearing animal, or parts thereof, which shall have been unlawfully killed, captured, or taken, or who shall unlawfully use any fishing rod and line, or fishing lines, spear, gig or barbed fork, shall be guilty of a misdemeanor *and punished as provided by Section 3706 R. C. M. 1935.*"

Penalty.

Sec. 3730 R. C. M. amended.

Section 19. That Section 3730 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3730. **Removal of Animals or Parts of Animals From State Unlawful, When.** It is hereby declared to be unlawful and a misdemeanor, punishable as *provided by Section 3706 R. C. M. 1935,* for any person or persons to ship or take out of the state any of the game or non-game birds, fish, game animals, fur-bearing animals or the skins of fur-bearing animals, or any parts thereof, which are mentioned in this act whether taken within or coming from without the state, except the same be done in the manner provided for by Sections 3730, 3731 and 3732."

Penalty for removal of animals or parts thereof from state.

Sec. 3733 R. C. M. amended.

Section 20. That Section 3733 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3733. **Labeling of Packages for Shipment From State.** All shippers of fish, game or non-game birds, game animals, fur-bearing animals, or the skins of fur-bearing animals or predatory animals, or parts thereof are hereby required to label all packages offered for shipment by parcel post, common carrier or otherwise, such label to be securely attached to the address of the package and plainly indicate the names and addresses of the consignor and consignee and the complete contents of said package. All persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished *in the manner provided by Section 3706 R. C. M. 1935.*"

Labelling of packages for shipment out of state.

Penalty.

Sec. 3734 R. C. M. amended.

Section 21. That Section 3734 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3734. **Violations of Provisions Relating to Shipment—Penalty—Confiscation.** No person or persons, or the agent or employee of any common carrier, associa-

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tion, stage, express, railway or transportation company, shall transport or receive for transportation or carriage or sell or offer for sale any of the game animals, game or non-game birds, fish, fur-bearing animals, or the skins of fur-bearing animals, or parts thereof, except as specifically provided for by this act, and all game or non-game birds, fish, game animals, or fur-bearing animals, or parts thereof, had in possession, or which have been shipped or are being transported in violation of any of the provisions of this act, shall be seized, confiscated, and disposed of as provided by law. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and *punished in the manner provided by Section 3706 R. C. M. 1935.*"

Violations of provisions relating to shipment.

Confiscation.

Penalty.

Section 22. That Section 3735 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Sec. 3735 R. C. M. amended.

"Section 3735. **Transporting, Selling or Offering for Sale Illegally Taken Fish—Penalty—Provisions in Case of Fish Caught Under License.** Any person or persons or the agent of any stage, express, or railway company or association of persons who shall receive for transportation or carriage, or shall sell or offer for sale any of the game fish that have been taken or killed contrary to the provisions of this act, knowing or having reason to know or believe that such fish were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished *as provided by Section 3706 R. C. M. 1935.*"

Transporting, selling or offering for sale illegally taken fish.

Penalty.

Section 23. That Section 3740 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Sec. 3740 R. C. M. amended.

"Section 3740. **Non-compliance With Law a Misdemeanor.** Any person who shall have in his possession, and offer for sale, or sell any game or game birds without having complied with the provisions of this act relating to the keeping of a record and shipping and transportation receipts, shall be guilty of a misdemeanor and punished *in the manner provided by Section 3706 R. C. M. 1935.*"

Non-compliance with law a misdemeanor.

Penalty.

Section 24. That Section 3742 R. C. M. 1935, as amended by Section 1, Chapter 22, Session Laws of 1941, be, and the same is hereby amended to read as follows:

Sec. 3742 R. C. M. amended.

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"Section 3742. **Unlawful to Transport, Possess or Dispose of Animals or Parts of Animals Except Under Permit—Exceptions—Penalty.** It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport within or out of the state any game fish, wild bird, game or fur-bearing animal or part thereof, protected by the laws of this state, or coming from without the state whether belonging to the same or different species from that native to the State of Montana, except as specifically permitted by this act. The provisions of this section shall not apply to the plumage of wild water fowl lawfully killed when purchased or sold for other than millinery purposes, or to birds or animals collected or possessed under a permit issued by the proper state fish and game warden for scientific or propagating purposes, nor shall the provisions of this section be construed to prohibit the purchase, sale or offering for sale, shipping, transporting, or possession for sale, any head, skin, or scalp, mounted or unmounted, or any full-sized mount of any game animal lawfully killed, provided the seller, before selling any such specimen shall first obtain from the state fish and game warden a permit authorizing him to sell it, nor to the sale of fur-bearing animals, or the skins of fur-bearing animals, except untagged beaver skins, nor to the export of fur-bearing animals, or the skins of fur-bearing animals under proper permit of the state fish and game warden, provided, however, that the hides and antlers (not including the head or skull) of elk and deer are specifically excluded from the provisions of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as *provided by Section 3706 R. C. M. 1935.*"

Unlawful to transport, possess or dispose of animals or parts thereof except as permitted.

Exceptions.

Penalty.

Sec. 3746 R. C. M. amended.

Section 25. That Section 3746 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3746. **Penalty for Acting as Guide Without License.** Any person violating any of the provisions of this act, who shall act as guide without the necessary qualifications, and without the proper compliance with the terms hereof, shall be guilty of a misdemeanor, and be punished *as provided by Section 3706 R. C. M. 1935;* and in all cases where a conviction is had the license theretofore issued shall be revoked."

Acting as guide without permit.

Penalty.

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Sec. 3751 R. C. M. amended.

Section 26. That Section 3751 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3751. **Taxidermists' License—Fee—Penalty for Violations.** Any person who shall engage in, or who is at the present time engaged in conducting any taxidermist business, as the term is generally understood, or any person who conducts a business for the purpose of mounting, preserving or preparing any of the dead bodies of any birds, or animals, or any part thereof, mentioned in the game laws of this state, must first obtain from the state fish and game warden a taxidermist's license, and shall pay an annual license fee of fifteen dollars ($15.00) therefor. Such person shall, on the first day of each month, make a written report to the state fish and game warden, of all the articles of game, the kind and number of each, by whom owned, and the residence of owner, received during the past month, also of all the articles of game shipped, and to whom and where shipped, during the last month; also the amount and kind of each on hand on the last day of the month, and by whom owned and owner's address. Any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and upon conviction *thereof shall be punished as provided by Section 3706 R. C. M. 1935. In all cases of conviction of violation of this act the license of the person convicted shall be revoked.*"

Taxidermists' license.

Fee.

Penalty.

Sec. 3760 R. C. M. amended.

Section 27. That Section 3760 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3760. **Permit for Taking Fish or Game for Scientific Purposes.** It shall hereafter be lawful for the duly accredited representative of any school, college, university or other institution of learning, who may be investigating a scientific subject making the same necessary, to take, kill, capture and have in his possession for such purpose, any of the birds, fish or animals found in this state, and to take, kill and capture the same in any way, except by the explosion of dynamite; provided, that no more of any such birds, fish or animals shall be taken than are necessary for such investigation, and provided also that any person who shall desire to engage in such scientific investigation shall apply to the state game warden for a license so to do. If the state game warden is satisfied of the good faith of the applicant, he shall issue to him a permit, which shall place a time limit upon such

Permit for taking fish or game for scientific purposes.

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investigation, and shall place a restriction upon the number of birds, fish or animals to be taken thereunder; and the person to whom such license is issued shall pay therefor the sum of five dollars ($5.00), and shall have no right or authority to take, have or capture any other or greater number of birds, fish or animals than are mentioned in said license. Any person violating the provisions of this section shall be guilty of a misdemeanor and *punishable as provided by Section 3706 R. C. M. 1935.*"

Fee.

Penalty.

Sec. 3761 R. C. M. amended.

Section 28. That Section 3761 R. C. M. 1935, be, and the same is hereby amended to read as follows:

"Section 3761. **Creations of Game Preserves—Boundaries—Provisions Applicable to—Snow Creek Preserve.** There are hereby created, for the better protection of all of the game animals and birds within the limits thereof, game preserves within the State of Montana, and more particularly hereinafter described as to their exterior limits; *except as hereinafter provided no person shall, within the limits of any game preserve within the State of Montana whether such preserve is created by the legislature or by the fish and game commission, hunt for, trap, capture, kill, or take, or cause to be hunted for, trapped or killed, any game animals or fur-bearing animals or birds of any kind whatever within the limits of said preserve, or carry or discharge any firearms, or create any unusual disturbance tending to or which may frighten or drive away any of the game animals or birds therein, or chase the same with dogs or hounds in said preserve; provided that the commission may declare that any preserve shall be open to the trapping of fur-bearing animals during the regular open season.*

Game preserves created.

Taking or killing game animals, fur-bearing animals or birds within preserve forbidden.

Permits to capture animals or birds for the purpose of propagation or for scientific purposes or to trap fur-bearing animals or to destroy mountain lions, wolves, foxes, coyotes, wildcats, lynx, or other predatory animals or birds or for carrying firearms, may be issued by the state game warden upon the payment of such fee and in accordance with such regulations as may be established for said preserve by the state fish and game commission. Any person violating any of the provisions of this section or any other law of Montana relating to game preserves, shall be guilty of a misdemeanor and shall be punishable as provided by Section 3706 R. C. M. 1935. The following are the boundaries of Snow Creek game preserve:

Permits may be issued, for what purposes.

Penalty.

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Snow Crow game preserve, boundaries of.

Beginning at a point on the north bank of the Missouri river, directly across and opposite the point where the dividing line between Hell creek and Crooked creek intersects the south bank of the Missouri river; thence southerly across the Missouri river and continuing on top of a divide and forward to the top of the main divide between Big Dry creek and the Missouri river; thence westerly and on the top of the said last mentioned divide to the top of the divide between Billy creek and Seven Blackfoot creek; thence north on said last named divide to a point on the northern bank of the Missouri river directly opposite and across where said last mentioned divide intersects the said bank; thence westerly along the north bank of the Missouri river, following the meanderings thereof to the point of beginning.

Other preserves.

Other game preserves are created and their boundaries are defined by Sections 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3771, 3773, 3776.3 and 3776.14 R. C. M. 1935. Such other game preserves as have heretofore been or may hereafter be created by the state fish and game commission upon petition in the manner provided by law, shall likewise be recognized as of like validity and subject to the same protective laws as in the case of game preserves created by the legislative assembly.''

Sec. 3764 R. C. M. amended.

Section 29. That Section 3764 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Gallatin preserve, boundaries of.

''Section 3764. GALLATIN PRESERVE. The boundaries of Gallatin Game Preserve are hereby established as follows: That portion of Gallatin county lying north of the Gallatin river, beginning at Daly Pass on the Yellowstone Park line, thence running in a northwesterly direction following the horse trail to the headwaters of the South Fork of Buffalo Horn creek, thence down the South Fork of Buffalo Horn creek to Buffalo Horn creek, thence down the main Buffalo Horn creek to the Forest Service fence, at this point the line shall leave the creek to follow the outer boundary of the developed camp sites on Buffalo Horn creek, thence following down Buffalo Horn creek to a plainly marked point east of the Walker cabin, thence southeast following a well-defined horse trail and ridge to Grouse mountain, thence in a southeasterly direction following the ridge to Tepee creek, thence crossing Tepee creek and continuing in an easterly direction upon a well-defined ridge to the Park line on Crown butte,

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thence following the Park line in a northerly direction to Daly Pass, the point of beginning.

Gallatin preserve, boundaries of, concluded.

That portion of Gallatin county lying south of the Gallatin river, beginning at a point where the north section line of section eighteen, township nine south of range five east, intersects the Gallatin river, thence due west along said section line and south section line of sections eleven and twelve, township nine south of range four east, to a point where said section lines intersect Sage creek, thence up the east bank of Sage creek to the confluence of Big Sage creek and Little Sage creek, thence south along the divide between the above mentioned creeks to Sage mountain, in an easterly direction along the divide to Bacon Rind and Tepee creeks to the west boundary of the Yellowstone National Park, thence north along the Yellowstone National Park boundary to the Gallatin river, thence in a northwesterly direction down the Gallatin river to the point of beginning."

Sec. 3769 R. C. M. amended.

Section 30. That Section 3769 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Twin Buttes game preserve.

"Section 3769. **Twin Buttes Game Preserve.** For the better protection of game animals and birds, the following area in the Lewis and Clark National Forest, in the Rocky mountains, State of Montana, is hereby set aside and established as a state game preserve, to be known as the "Twin Buttes Game Preserve", to-wit:

Boundaries.

Beginning at the junction of the Dearborn river with Falls creek in what will be township eighteen north of range seven west, Montana meridian, when surveyed, and running thence southerly along the course of said Falls creek to its junction with the tributary of said Falls creek, known as the "East Fork", thence due south to the crest of the Continental Divide, thence northwesterly along the Continental Divide to the head of Blacktail creek; thence northerly along said Blacktail creek to its junction with said Dearborn river, thence down the said Dearborn river to the place of beginning."

Sec. 3773 R. C. M. amended.

Section 31. That Section 3773 R. C. M. 1935, be, and the same is hereby amended to read as follows:

Blackleaf game preserve.

"Section 3773. **Blackleaf Game and Bird Preserve.** Township twenty-six north of range eight west of the Montana meridian, in Montana, be, and the same is here-

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by created a game and bird preserve, to be known as the "Blackleaf Preserve", within the county of Teton, State of Montana."

Section 32. That Section 3778.2 R. C. M. 1935, be, and the same is hereby amended to read as follows: Sec. 3778.2 R. C. M. amended.

"Section 3778.2. **Penalty for Violation of Act.** Any person violating any of the provisions of *Section 3778.1 R. C. M. 1935, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as provided by Section 3706 R. C. M. 1935.*" Penalty for violation of act.

Section 33. That Section 3778.8 R. C. M. 1935, be, and the same is hereby amended to read as follows: Sec. 3778.8 R. C. M. amended.

"Section 3778.8. **Penalty for Violations.** Any person, firm, company or corporation violating any of the provisions of *Sections 3778.3 to 3778.7 inclusive, R. C. M. 1935, shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable as provided by Section 3706 R. C. M. 1935.*" Penalty for violations.

Section 34. That Section 3691.1, 3697.2, 3722.1, 3729.4, 3729.5, 3729.6, 3770, 3772, 3774, 3775, 3776, 3776.1, 3776.2, 3776.4, 3776.5, 3776.6, 3776.7, 3776.8, 3776.9, 3776.10, 3776.11, 3776.12, 3776.13, 3778, R. C. M. 1935, be, and the same are hereby repealed. All other acts and parts of acts in conflict with the provisions of this act are likewise repealed. Repealing clause.

Approved March 7, 1947.

CHAPTER 225

An Act to Amend Section 2815.36 of the Revised Codes of Montana, 1935, Defining the Powers of the Montana Liquor Control Board in the Issuing of Retail Beer Licenses and Limiting the Number of Licenses to be Issued.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 2815.36 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 2815.36 R. C. M. amended.

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License to sell beer, issuance of.

"Section 2815.36. That a retail license to sell beer shall be issued to any person, firm or corporation who shall be approved by the majority of the board, as a fit and proper person, firm or corporation to sell beer, *save and except that the number of such licenses which the board may issue shall be determined by the last official United States census authorized by Congress, to-wit: In towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the boundaries of said towns not more than two (2) retail beer licenses to be used in conjunction with retail liquor licenses and not more than one (1) additional retail beer license which shall not be used in conjunction with a retail liquor license; in cities or towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits or boundaries of said cities and towns two (2) retail beer licenses for the first five hundred (500) inhabitants and one (1) retail beer license for each additional five hundred (500) inhabitants above the first five hundred (500) which said beer licenses shall be used in conjunction with retail liquor licenses and one (1) additional beer license for each five hundred (500) inhabitants which said beer license shall not be used in conjunction with retail liquor licenses; in cities over two thousand (2000) inhabitants and within a distance of five (5) miles thereof five (5) retail beer licenses for the first two thousand (2000) inhabitants and one (1) retail beer license for each additional one thousand (1000) inhabitants which said beer licenses shall be used in conjunction with retail liquor licenses and two (2) additional retail beer licenses for the first two thousand (2000) inhabitants or major fraction thereof and one (1) additional beer license for each additional two thousand (2000) inhabitants which beer licenses shall not be used in conjunction with retail liquor licenses; the number of the inhabitants in said cities and towns not including the number of inhabitants residing in the said five (5) mile area shall govern for the issuing of licenses within the limits of said cities and towns and including the five (5) mile area from the boundaries of said cities and towns, provided, however, that where there is a town within the five (5) mile area from a city, the populations shall be added together and the board shall determine the number of beer licenses to be issued in said city and town and the five (5) mile area from said city and town provided also*

Limitation of number of based upon number of inhabitants.

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that the number shall not exceed the above limitation; the said distance of five (5) miles from the corporate limits or boundaries of said cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; outside of said cities and towns and said five (5) mile area said board may issue retail beer licenses at its discretion and said board shall have power and authority to approve or reject any application for such license; licenses already issued which are in excess of said limitations and which are of issue on the date of the passage and approval of this act, shall be renewable, but no new beer licenses shall be issued until the number of licenses shall be reduced to within the above limitations; the board shall have power to issue licenses for the sale of beer for off premises consumption, which licenses shall not be included in the above limitations; that a license for the sale of beer for off premises consumption shall be for the sale of beer in original packages for consumption off of the premises where said beer is sold; that it shall be unlawful for any such licensee to sell beer under such license for consumption on said premises where said beer is sold; that the board shall have full discretion in the issuing of said licenses for the sale of beer for off premises consumption with full power to approve or reject any such application for such licenses and shall also have full power to suspend or revoke such licenses for cause; that the license fee for such licenses for the sale of beer for off premises consumption shall be the same as for a retail beer license. Except for the above limitations the board shall have power to determine after an investigation whether or not the premises for which any license applied for is within certain defined zones in any incorporated city or town where the sale of beer is prohibited by ordinance provided said ordinance does not change the above limitations and provided also that a certified copy of said ordinance is on file with the board; or where said cities and towns do not have zoning ordinances whether or not the premises for which said license is applied for are off the regular police beats of said cities or towns and can be properly policed by local authorities; and whether or not the issuance of the license applied for outside of said cities and towns and said five (5) mile area would serve the public convenience or necessity."

Existing licenses.

License for sale of beer for off premises consumption.

Discretion of board.

Power of board, with respect to ordinances of cities or towns.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 226

An Act to Amend the Following Sections of Chapter 84 of the Session Laws, 1937, Commonly Known as the Montana Retail Liquor Act, To-Wit: Section 3 Defining the Powers of the Montana Liquor Control Board in the Issuing of Liquor Licenses; and Limiting the Number of Licenses to be Issued; and Section 38 Providing That the Board May Temporarily Suspend a Liquor License for a Term to be Determined by the Board Upon Conviction of Any Offense Under This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 84 laws of 1937 amended.

Section 1. That Section 3 of Chapter 84 of the Session Laws of 1937, be, and the same is hereby amended to read as follows:

Board to issue licenses for sale of liquor at retail.

"Section 3. The Montana Liquor Control Board is hereby empowered, authorized, and directed to issue licenses to qualified applicants *to sell liquor at retail in accordance with the provisions of this act; the number of such licenses which the board may issue shall be determined by the last official United States census authorized by Congress, to-wit: In towns of five hundred (500) inhabitants or less and within a distance of five (5) miles from the boundaries of said towns not more than two (2) retail liquor licenses; in cities or towns of more than five hundred (500) inhabitants and not over two thousand (2000) inhabitants and within a distance of five (5) miles from the corporate limits or boundaries of said cities and towns two (2) retail liquor licenses for the first five hundred (500) inhabitants and one (1) retail liquor license for each additional five hundred (500) inhabitants above the first five hundred (500); in cities over two thousand (2000) inhabitants and within a distance of five (5) miles thereof five (5) retail liquor licenses for the first two thousand (2000) inhabitants and one (1) retail liquor license for each additional one thou-*

Limitation of number, based on number of inhabitants.

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sand (1000) inhabitants; the number of the inhabitants in said cities and towns not including the number of inhabitants residing in the said five (5) mile area shall govern for the issuing of licenses within the limits of said cities and towns and including the said five (5) mile area from the boundaries of said cities and towns; provided, however, that where there is a town within the five (5) mile area from a city, the populations shall be added together and the board shall determine the number of liquor licenses to be issued in said city and town, and the five (5) mile area from said city and town provided also that the number shall not exceed the above limitations; the said distance of five (5) miles from the corporate limits or boundaries of said cities and towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; outside of said cities and towns and said five (5) mile area said board shall issue liquor licenses at its discretion and said board shall have full power and authority to approve or reject any application for such licenses; licenses already issued which are in excess of said limitations and which are of issue at the date of the passage and approval of this act, shall be renewable but no new licenses shall be issued until the number of licenses shall be reduced to within the above limitations; except for the above limitations the board shall have power to determine after an investigation whether or not the premises for which any license applied for is within certain defined zones in any incorporated city or town where the sale of liquor is prohibited by ordinance, provided said ordinance does not change the above limitations and provided also that a certified copy of said ordinance is on file with the board; or where said cities and towns do not have zoning ordinances whether or not the premises for which said license is applied for are off the regular police beats of said cities or towns and can be properly policed by local authorities; and whether or not the issuance of the license applied for outside of said cities and towns and said five (5) mile area would serve the public convenience or necessity; upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail but only in accordance with the rules and regulations promulgated by the said board and the provisions of this act. Qualified applicants shall include persons, hotels, clubs, fraternal organizations and railway systems."

Discretion of board.

Existing licenses.

Power of board with respect to ordinances of cities or towns.

Qualified applicants.

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Sec. 38, Ch. 84 laws of 1937 amended.

Section 2. That Section 38 of Chapter 84 of the Session Laws of 1937, be, and the same is hereby amended to read as follows:

"Section 38. Any person violating any of the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor and punishable by such fine or imprisonment, or both, as provided by law, except as is herein otherwise provided. If any such licensee is convicted of any offense under this act his license shall be immediately revoked, *or in the discretion of the board suspended temporarily for a time to be determined by the board.*"

Penalty.

Revocation or suspension of license.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 227

An Act to Amend Section 4993, Revised Codes of Montana, 1935, as Amended by Chapter 5, Laws of *Montana,* 1939, and as Amended by Chapter 180, Laws of *Montana,* 1945, Relating to the Platting, Surveying and Certifying Before Sale of Small *and Irregularly Shaped* Tracts and Requiring the Grantee in Deeds to Such Tracts to Present to the County Clerk at the Time of Filing for Record a Plat or Map of the Legal Description of the Piece or Parcel Conveyed, Except That No Map or Plat Shall Be Required in Certain Cases.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4993, R. C. M. as amended further amended.

Section 1. That Section 4993, Revised Codes of Montana, 1935, as amended by Chapter 5, Laws of *Montana,* 1939, and as amended by Chapter 180, Laws of *Montana,* 1945, be, and the same is hereby amended to read as follows:

Small and irregularly shaped tracts must be surveyed, platted and certified before sale.

"Section 4993. **Small** *and Irregularly Shaped* **Tracts Must Be Platted, Surveyed, and Certified Before Sale.** Any person who desires to subdivide and sell or transfer any tract of land in small tracts, such as orchard tracts, vineyard tracts, acreage tracts, suburban tracts, or com-

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munity tracts, containing less than the United States legal subdivision of ten (10) acres, *or who shall subdivide and/or sell or transfer any irregularly shaped tract of land, the acreage of which cannot be determined without a survey,* must cause the same to be surveyed, platted, certified, and *filed in the office of the county clerk and recorder of the county in which said land lies,* according to the provisions of this chapter before any part or portion of the same is sold or transferred; except that it will not be necessary to comply with the provisions of this chapter relating to parks and playgrounds, and such sales or transfers must be made by reference to the plat on file and the numbers of the lots and blocks. It is unlawful for any further sales to be made without a full compliance with the provisions of this chapter, and the surveying and platting of the whole tract, showing the lots sold before the filing of the plat; provided further that *until the filing of such plat, or survey,* the county clerk of any county shall not *record* any deed which conveyed, or purports to convey, *any irregular shaped tract or* part of land or parcel of any such platted tract or tracts of less than the United States legal subdivision of ten (10) acres, unless the person presenting such deed for record also delivers to such county clerk *for filing* a plat or map which has been prepared by a surveyor or civil engineer, which plat or map shall show with particularity the legal description, and area of the land to be conveyed, *except that no map or plat shall be required in those cases where the parcel of land being conveyed has been previously conveyed by deed or other instrument recorded ten (10) years or more prior to the passage of this act.*"

Exception.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 7, 1947.

CHAPTER 228

An Act to Amend Sections 7, 9, 11, 12, 13, 14, 15, 16 and 17 of Chapter 195 of the Laws of the Twenty-sixth Legislative Assembly of 1939, as Sections 9, 11, 13, 15 and 16 Are Amended by Chapter 90 of the Laws of the Twenty-seventh Legislative Assembly of 1941, Relating to the Creation of Weed Control Districts and Including State

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Lands Therein; Appointment of Weed Control and Weed Seed Extermination Supervisors; the Destruction of Weeds and Collection of Cost Thereof; the Furnishing of Materials; Control of Weeds on Highways; Payment of Cost of Control; Cooperation With Other Programs and Generally to the Control of Noxious Weeds.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 7, Ch. 195, Laws of 1939, amended.

Section 1. That Section 7 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, be, and the same is hereby amended to read as follows:

Hearing on petition.

"Section 7. **Hearing on Petition.** At such a hearing, any landowner may file his written objections to the creation of the district. If landowners, owning fifty-one per cent (51%) of the agricultural land within the district, shall file written consent for the creation of the district, the commissioners shall proceed to hear the said petition, *and they shall* by an order duly made and entered on their minutes, declare the district created, setting forth the name and boundaries of the district and the land contained therein.

Enlargement of district.

"Said district or districts may be enlarged to include adjacent land by a petition signed by the owners of fifty-one per cent (51%) of the agricultural land lying within the proposed enlargement, provided that where state agricultural lands are within the boundaries of such a proposed district or proposed enlargement and it is necessary

Inclusion of state lands.

to count such state agricultural lands in obtaining the fifty-one per cent (51%) of such agricultural land, the petition may be presented to the state board of land commissioners and they may request the state land commissioner to sign the petition for the said state agricultural land, including the same within such a district; provided, however, that no assessment of tax or levy of a tax shall be made, or any lien for any taxes shall ever accrue against such lands for any purpose whatever in connection with any district created for the control of noxious weeds and weed seed extermination."

Sec. 9, Ch. 195, Laws of 1939, as amended further amended.

Section 2. That Section 9 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, as amended by Section 1 of Chapter 90 of the laws of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

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"Section 9. **Appointment of Weed Control and Weed Seed Extermination Supervisors—Term of Office—Compensation.** *The commissioners shall appoint for each county in which a city, town, or county weed control and weed seed extermination district is created, a board of weed control and weed seed extermination supervisors, upon the creation of the first district, consisting of three members, who are owners of agricultural land within a district. They shall be appointed for a period of one, two, three (1, 2, 3) years, respectively, dating from the preceding July, and thereafter an appointment or reappointment shall be made annually for a period of three (3) years, with said appointment being made at the July meeting of the board of county commissioners.* Said supervisors shall be public officers, and they shall organize by choosing a chairman and a secretary. The secretary may or may not be a member of the board. All such supervisors shall serve without pay, except expenses for mileage, *at five cents (5c) a mile and five dollars ($5.00) per diem.* The supervisors may employ suitable and competent persons as assistants and employees as may be necessary and provide for their compensation. It shall be the duties of said supervisors to supervise within their county the control program."

Appointment of supervisors.

Term of office.

Compensation.

Duties.

Section 3. That Section 11 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, as amended by Section 3 of Chapter 90 of the laws of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

"Section 11. **Destruction of Weeds by Supervisors If Notice Not Observed—Collection of Cost.** If the notice be not obeyed within the time specified in the notice the supervisors shall forthwith *institute control measures* and make report thereof to the county clerk, with a verified, itemized account of their services, and expenses in so doing, and a description of the lands involved, and shall include in said account the necessary cost and expense of chemicals, man hours of labor and equipment employed, at a rate paid, in the immediate vicinity, for labor per day and for equipment used for an eight hour day. Such expenses shall be paid by the county out of the "noxious weed fund", and unless the sum, to be repaid by the owner or occupant, is not repaid before October 15th next ensuing, the county clerk shall certify the amount thereof,

Destruction of weeds by supervisors if notice not observed.

Collection of cost—special tax.

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with the description of the premises to be charged, and shall extend the same to the assessment list of the said county, as a special tax on said land, but if the land for any reason be exempt from general taxation, the amount of such charge may be recovered by direct claim against *the lessee and collected in the same manner as personal taxes.* When such taxes are collected, they shall be credited to the "noxious weed fund". *It shall be the duty of the state board of land commissioners in leasing any agricultural state land to provide in such lease, that the lessee of lands so leased lying within the boundaries of any noxious weed control and weed seed extermination district shall assume and pay all assessments and taxes levied by the board of county commissioners for such district on such state lands, and such assessments and tax levy shall be imposed on such lessee as a personal property tax and shall be collected by the county treasurer in the same manner as regular personal property taxes are collected. All such state lessees shall be required under the terms of such lease to pay such assessment and tax levy at the same time and manner as other regular personal taxes are paid.* In *effectively controlling* such weeds, the supervisors are authorized to take possession and control of any infested tract of land, within their districts, together with any fences or ditches thereon, and to move any fence or ditch where necessary in order to better conduct the control work. If any fence or ditch be moved, the same shall be replaced upon completion of the *control* work, if requested by the landowner.

Assessments levied on state lands.

Authority of supervisors.

Land covered by special tax.

"In determining what lands shall be included as land covered by the special tax herein to and which shall be described in the said certificate of the county clerk, it shall be presumed that all work done upon any of the land of any one landowner shall be for the benefit of all of the land within the district, then, at the time such work was done, belonging to such owner which was contiguous to or joining the piece or parcel upon which such work was done, together with the piece or parcel upon which such work was so done, and the amount so certified shall so become a tax upon the whole thereof."

Sec. 12, Ch. 195, Laws of 1939 amended.

Section 4. That Section 12 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, be, and the same is hereby amended to read as follows:

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"Section 12. **Destruction of Weeds Mingled With Crop.** When *in the opinion of the supervisors* noxious weeds are intermixed with a growing crop within the district, so that the field is a menace to the district, the supervisors shall have power to order the destruction of the same or such parts thereof as may be necessary. The supervisors may go upon the land infested with the noxious weeds for any purpose necessary to such enforcement, provided, however, that it shall be the duty of the supervisors to confer with the commissioners as a board of arbitration, who, when they deem it proper, may extend for one year the order for destruction of the crop containing the noxious weeds."

Destruction of weeds mingled with crop.

Section 5. That Section 14 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, be, and the same is hereby amended to read as follows:

Sec. 14, Ch. 195, Laws of 1939 amended.

"Section 14. **Furnishing of Materials.** *The supervisors shall have authority to purchase such chemical, material, and equipment as they determine necessary for carrying on an effective control program. Such materials shall be paid for out of the "noxious weed fund". The supervisors shall also determine what chemical, material, or equipment which they may have on hand, shall be made available for distribution to landowners who may wish to control weeds on their own land. The cost for same shall be charged against the said landowner and his land, and collected for as is provided for in this act.*"

Purchase and furnishing of materials.

Section 6. That Section 15 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, as amended by Section 5 of Chapter 90 of the laws of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

Sec. 15, Ch. 195, Laws of 1939, as amended further amended.

"Section 15. **County *Supervisors* to Control Weeds and to Exterminate Weed Seed on Public Highways and County Owned Lands in the District.** It shall be the duty of the *supervisors* to control noxious weeds on the highways and county owned land within the confines of the district. The total cost of such control shall be paid from the "noxious weed fund". Provided that the cost of *controlling* such weeds growing along the right of way of a state or federal highway shall upon the presentation by the *supervisors* of a verified account of the expenses incurred, be paid from the state highway fund."

County supervisors to control weeds on highways and county owned lands.

Cost, how paid.

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Sec. 13, Ch. 195, Laws of 1939, as amended further amended.

Section 7. That Section 13 of Chapter 195 of the Montana Session Laws of 1939, as amended by Section 4 of Chapter 90 of the Montana Session Laws of 1941, be amended to read as follows:

"Section 13. **Creation of Noxious Weed Fund by County Commissioners—Expenditure Thereof.** The board of county commissioners of any county in this state may create a noxious weed control and weed seed extermination fund, either by appropriating money from the general fund of the county, or at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding two (2) mills on the dollar of total taxable valuation in such county, the proceeds of which shall be used solely for the purpose of promoting the control of noxious weeds or extermination of weed seed in said county and shall be designated to "noxious weed fund". This fund shall be kept separate and distinct by the county treasurer, and shall be expended by the commissioners at such time, and such manner, as is by said supervisors deemed best to secure the control and extermination of noxious weeds and weed seed. *Warrants upon such fund shall be drawn by the supervisors, provided that no warrants shall be drawn except upon claims duly itemized by the claimant, except pay roll claims which shall be itemized and certified by the supervisors, each such claim shall be presented to board of county commissioners for its approval before the warrant therefor shall be countersigned by the commissioners."*

Creation of noxious weed fund.

Claims and warrants.

Sec. 16, Ch. 195, Laws of 1939, as amended further amended.

Section 8. That Section 16 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, as amended by Section 6 of Chapter 90 of the laws of the twenty-seventh legislative assembly of 1941, be, and the same is hereby amended to read as follows:

"Section 16. **Commissioners Shall Determine Cost of Control and Extermination** *of Noxious Weed Seed* **and Fix the Amount to Be Paid From the Noxious Weed Fund.** The commissioners shall determine and fix the cost of the control of noxious weeds and of extermination of noxious weed seed *in weed districts* whether the same be performed by the individual landowners or by the supervisors. *If in the judgment of the commissioners and supervisors it seems advisable they may agree to assist the landowners in said district with a part of the cost of weed control on their land. If this is to be done then* in cases where the landowner controls the weeds and exterminates the weed seed

Fixing of cost of weed control.

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he shall present to the *supervisors* a duly verified claim for one-third of such cost, and when the same has been approved by the supervisors and commissioners it shall be paid to such landowner out of the "noxious weed fund". When the supervisors do the control and extermination provided for herein *weed districts,* one-third of the cost thereof shall be paid out of the "noxious weed fund", and the remaining two-thirds shall be charged against the land upon which weed control and *weed seed* extermination was had, and such two-thirds shall be repaid or collected in the manner hereinbefore provided for."

Payments from noxious weed fund.

Section 9. That Section 17 of Chapter 195 of the laws of the twenty-sixth legislative assembly of 1939, be, and the same is hereby amended to read as follows:

Sec. 17, Ch. 195, Laws of 1939, amended.

"Section 17. **Cooperation With Other Programs.** The *supervisors* are empowered to cooperate with any state or federal aid program that becomes available. Under such a plan of cooperation the direction of the program shall be under the direct supervision of the *supervisors* of the county in which the program operates."

Cooperation with other programs.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 7, 1947.

CHAPTER 229

An Act Permitting the Adoption of an Adult Who Has Reached His or Her Age of Legal Majority Without the Consent of Such Adult's Parent or Parents.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. A person who is an adult and has attained his or her age of legal majority may be adopted without the consent of his or her parents.

Adoption of adult.

Section 2. That, except as otherwise inconsistent with this act, the procedure and law for adoption of minors set forth in Sections 5856, 5857, 5858, 5861 and 5863 of the Revised Codes of Montana of 1935, and Section 5862 of said codes, as amended by Chapter 181 of the Session

Procedure.

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Laws of 1945, shall be applicable in proceedings for the adoption of an adult under the provisions of this act.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1947.

CHAPTER 230

An Act to Amend Sections 2912, 2913, 2914, 2915, and 2920, Revised Codes of Montana, 1935, as Amended by Chapter 213 of the Session Laws, 1945, Relating to Compensation for Injuries to Workmen, by Increasing Compensation in Cases of: Temporary, Total, and Total Partial Disabilities, for Injuries Causing Death, and for Specified Injuries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2912, R. C. M. as amended further amended.

Section 1. That Section 2912, Revised Codes of Montana, 1935, as amended by Chapter 213 of the Session Laws, 1945, be, and the same is hereby amended to read as follows:

Compensation for injury producing temporary total disability.

"Section 2912. **Compensation for Injury Producing Temporary Total Disability.** For an injury producing temporary total disability. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *seventeen dollars and fifty cents ($17.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *nineteen dollars and fifty cents ($19.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation

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of *twenty dollars and fifty cents ($20.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to the maximum compensation of *twenty-one dollars and fifty cents ($21.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars and fifty cents ($22.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing in the United States who would be entitled to compensation in case of his death sixty-six and two-thirds per centum (66-2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week, and subject in all cases to a minimum compensation of *ten dollars and fifty cents ($10.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Sec. 2913, R. C. M. amended.

Section 2. That Section 2913, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Compensation for injury producing total disability permanent in character.

"Section 2913. **Compensation for Injury Producing Total Disability Permanent in Character.** For an injury producing total disability permanent in character. Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *seventeen dollars and fifty cents ($17.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *nineteen dollars and fifty cents*

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($19.50) per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty dollars and fifty cents ($20.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-one dollars and fifty cents ($21.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars and fifty cents ($22.50)* per week; where the injured employee has a wife and four children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66-2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week; and subject in all cases to a minimum compensation of *ten dollars and fifty cents ($10.50)* per week, and subject to change when the number of beneficiaries or dependents decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Sec. 2914, R. C. M. amended.

Section 3. That Section 2914, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2914. **For Partial Disability—For an Injury Producing Partial Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum

For partial disability.

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compensation of *seventeen dollars and fifty cents ($17.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *nineteen dollars and fifty cents ($19.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty dollars and fifty cents ($20.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in the case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-one dollars and fifty cents ($21.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-two dollars and fifty cents ($22.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66-2/3%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week; not exceeding, however, the maximum compensation allowed in cases of total disability, and not exceeding the total compensation provided in this act for the total loss of the member causing such partial disability. Such com-

For partial disability.

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pensation shall be paid during the period of disability, not exceeding, however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents decreases."

Sec. 2915, R. C. M. amended.

Section 4. That Section 2915, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Compensation for injury causing death.

"Section 2915. **Compensation for Injury Causing Death.** For Beneficiaries Residing Within the United States. Where decedent leaves one beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *seventeen dollars and fifty cents ($17.50)* per week; where decedent leaves two beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *nineteen dollars and fifty cents ($19.50)* per week; where decedent leaves three beneficiaries, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty dollars and fifty cents ($20.50)* per week; where decedent leaves four beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-one dollars and fifty cents ($21.50)* per week; where decedent leaves five beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars and fifty cents ($22.50)* per week; where decedent leaves six or more beneficiaries, sixty-six and two-thirds per centum (66-2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week, and subject in all such cases to a minimum compensation of *ten dollars and fifty cents ($10.50)* per week. For Beneficiaries Residing Outside of the United States. Where decedent leaves one beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three beneficiaries, forty-seven and one-half per centum

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(47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

In case decedent leaves no beneficiaries.

"If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *seventeen dollars and fifty cents ($17.50)* per week; where decedent leaves two major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *nineteen dollars and fifty cents ($19.50)* per week.

In case decedent leaves no major dependents.

"If the decedent leaves no major dependents, compensation shall be payable to his minor dependents, if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one minor dependent, thirty per centum (30%) of the wages received at the time of the injury; where decedent leaves two minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury; where decedent leaves three or more minor dependents, forty per centum (40%) of the wages received at the time of the injury.

Maximum compensation.

"All such payments of compensation provided for in this section shall be subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week for a period not exceeding four hundred (400) weeks and subject to change when the number of beneficiaries or dependents decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Sec. 2920, R. C. M. amended.

Section 5. That Section 2920, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Compensation in case of specified injuries.

"Section 2920. **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation provided by this act, shall be as follows: Where the injured em-

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Compensation in case of specified injuries.

ployee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *seventeen dollars and fifty cents ($17.50)* per week; where the injured employee has a wife, or child, or father, or mother, or brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *nineteen dollars and fifty cents ($19.50)* per week; where the injured employee has a wife and one child, or two children, or a father and mother, or two or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty dollars and fifty cents ($20.50)* per week; where the injured employee has a wife and two children, or three children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-one dollars and fifty cents ($21.50)* per week; where the injured employee has a wife and three children, or four children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-two dollars and fifty cents ($22.50)* per week; where the injured employee has a wife and four or more children, or five or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66-2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-three dollars and fifty cents ($23.50)* per week, subject to change when the number of beneficiaries or dependents decreases, and subject in all cases to a minimum compensation of *ten dollars and fifty cents ($10.50)* per week, and shall be paid for the following periods:

For the loss of:

One arm at or near the shoulder.....200 weeks

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Compensation in case of specified injuries.

One arm at the elbow	180 weeks
One arm between wrist and elbow	160 weeks
One hand	150 weeks
One thumb and the metacarpal bone thereof	60 weeks
One thumb at the proximal joint	30 weeks
One thumb at the second distal joint	20 weeks
One first finger and the metacarpal bone thereof	30 weeks
One first finger at the proximal joint	20 weeks
One first finger at the second joint	15 weeks
One first finger at the distal joint	10 weeks
One second finger and the metacarpal bone thereof	30 weeks
One second finger at the proximal joint	15 weeks
One second finger at the second joint	10 weeks
One second finger at the distal joint	5 weeks
One third finger and the metacarpal bone thereof	20 weeks
One third finger at the proximal joint	12 weeks
One third finger at the second joint	8 weeks
One third finger at the distal joint	4 weeks
One fourth finger and the metacarpal bone thereof	12 weeks
One fourth finger at the proximal joint	9 weeks
One fourth finger at the second joint	6 weeks
One fourth finger at the distal joint	3 weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	200 weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	150 weeks
One leg between knee and ankle	140 weeks
One foot at the ankle	125 weeks
One great toe with the metatarsal bone thereof	30 weeks
One great toe at the proximal joint	15 weeks
One great toe at the second joint	10 weeks
One toe other than the great toe with the metatarsal bone thereof	12 weeks
One toe other than the great toe at the proximal joint	6 weeks
One toe other than the great toe at second or distal joint	3 weeks
One eye by enucleation	120 weeks
Total blindness of one eye	100 weeks

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Total loss of hearing; one ear..... 20 weeks
Total loss of hearing; both ears.....120 weeks

"The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in one accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character. Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby; provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 231

An Act to Amend Section Twelve of Chapter 193 of the Session Laws of the Twenty-ninth Legislative Assembly of the State of Montana, Relating to Hearings Before and Appeals From Decisions of the Livestock Commission of the State of Montana in Matters Concerning Livestock Markets; to Declare the Policy of This State and to Clarify the Legislative Intent and Policy of the Twenty-ninth and the Thirtieth Legislative Assemblies of the State of Montana Concerning the Jurisdiction of the Courts On Such Appeal.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 12, Ch. 193, Laws of 1945 amended.

Section 1. That Section 12 of Chapter 193 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, be, and the same is hereby amended to read as follows:

"Section 12 (a) *A question or doubt having arisen as to the intention of the legislature and policy of the State concerning appeals from decisions of the livestock*

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commission of the State of Montana relating to livestock markets, it is hereby declared to be the policy of this state and the intent of the twenty-ninth and thirtieth legislative assemblies that such appeals should be heard solely upon the record of the proceedings before the commission in the matter in which the appeal is taken.

Appeals to be solely upon record.

(b) If the commission shall refuse to grant an application for a certificate or shall suspend or revoke a certificate the *applicant or* licensee may appeal to the district court of the county *in which the proposed livestock market is to be located* or *in which the licensee* has his principal place of business by giving notice of such appeal in writing to the commission *within ten (10) days after receiving notice by registered mail* of its decision *and within said time* filing a bond with the clerk of *said* district court in the sum of three hundred dollars ($300.00) to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision *or the decision of said commission being affirmed or upheld. Within thirty (30) days after such decision or within such additional time as the district court shall allow upon good cause shown, but not exceeding sixty (60) days after said decision,* appellant shall file *with the clerk of said district court a transcript of the testimony and proof presented to the commission* including notice of appeal, complaint, pleadings, notices, motions and other papers filed in the cause with the commission certified by the secretary of the commission. Cost of preparing such transcript shall be paid by appellant. *In case of suspension or revocation of a certificate* the filing of such notice and bond shall *stay* the order of the commission until the final determination of the appeal. If the *appellant* should fail to perfect his appeal or file said transcript as herein provided said stay shall automatically terminate. *The trial shall be had* summarily *before the district court upon the record of the evidence presented to the commission of which a complete record must be kept of the hearings of the commission as shown by said transcript and the exhibits, if any, presented to the commission and certified by the secretary of the said commission, and upon which its decision was rendered and there shall not be any additional evidence introduced or anything in the nature of a trial de novo. The court shall not substitute its discretion for that of the commission but shall determine whether the commission acted capri-*

Appeal by applicant or licensee.

Filing of transcript.

Trial before district court.

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ciously, arbitrarily, or abused its discretion and whether it acted according to law. Appeals from judgments of the district court may be taken to the supreme court in the same manner as appeals are taken in civil actions."

Appeals to supreme court.

Separability of act.

Section 2. If any sub-section, sentence, clause, or phrase of this act is for any reason held invalid such decision shall not affect the validity of the remaining portions of this act. The legislative assembly declares that it would have passed this act and each sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sub-sections, sentences, clauses or phrases be declared invalid.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 232

An Act to Amend Chapter 106 of the Laws of the Twenty-sixth Legislative Assembly of the State of Montana, 1939, Relating to the Power of the Board of Trustees of Any School District to Sell and Dispose of, or to Exchange School Property Which Has Become or Is About to Become Abandoned as Unsuitable for School Purposes of Said District, and Providing the Procedure to Be Followed, By Providing for Use of the Moneys Realized From Such Sale as Shall Be Determined By Resolution By the Board of Trustees of Said District, for the Following Purposes or Any Combination of Purposes: Retiring Bonds, Establishing a Building Fund, Using Such Moneys As a Part of the General School Fund, Expenses, and Providing Procedure Therefor; and Providing Further, for the Validity of This Act Notwithstanding the Provisions of the Budget Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 106, Laws of 1939 amended.

Section 1. Section 1 of Chapter 106 of the Laws of the twenty-sixth legislative assembly of the State of Montana be, and the same is hereby amended to read as follows:

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"Section 1. The board of trustees of any school district, county high school, school districts maintaining a district high school or junior high school, and joint school districts, shall have the power to sell and dispose of or to exchange any lands, building, fixtures or other property of the district which has become or is about to become abandoned, obsolete, undesirable or unsuitable for school purposes of said district; provided, however, that before making any such sale or exchange the board shall duly pass a resolution declaring such lands, buildings, fixtures or other property to be or about to become abandoned, obsolete, undesirable or unsuitable for school purposes of said district, and providing for the sale and disposition or exchange thereof; provided further that notice of the meeting at which said resolution is to be considered for final adoption and of the proposed passage of said resolution shall be given as provided by law for notices of election of trustees, at which meeting the electors of said district shall have the right to be present and to protest the passage of said resolution. If at the hearing on such resolution protests against the adoption of the same shall be made and the board of trustees shall adopt the same over such protests, the resolution shall not become effective for five (5) days after the date of its adoption, during which time any taxpayer or taxpayers may appeal to the district court by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk or secretary of the board of trustees. Said petition shall set forth in detail the objections of the petitioners to the adoption of such resolution or to the disposal of the property as provided for in said resolution. The service and filing of said petition shall operate to stay such resolution until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing the same which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination shall be final. *The moneys which result from or are attributable to the sale of any lands, buildings, fixtures, or other property of the district, which has become or is about to become abandoned, obsolete, undesirable or unsuitable for school purposes of said district shall be used by the board of trustees of said school district as it shall*

Trustees of certain school districts authorized to dispose of undesirable property.

Procedure.

Appeal to district court by taxpayer.

Use of proceeds of sale, for what purposes.

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determine by resolution, for the purpose of: (1) retiring outstanding bonds of the school district; or (2) establishing a building fund for such school district; or (3) using such moneys as a part of the general school fund for the expenses of the school district; or (4) accomplishing any combination of purposes set out above. Notice of the meeting at which said resolution is to be considered for final adoption and of the proposed passage of said resolution shall be given as provided by law for notices of election of trustees, at which meeting the electors of said district shall have the right to be present and to protest the passage of said resolution. If at the hearing on such resolution protests against the adoption of the same shall be made and the board of trustees shall adopt the same over such protests, the resolution shall not become effective for five (5) days after the date of its adoption, during which time any taxpayer or taxpayers may appeal to the district court by filing with the clerk of such court a verified petition, a copy of which shall theretofore have been served upon the clerk or secretary of the board of trustees. Such petition shall set forth in detail the objections of the petitioners to the adoption of such resolution or to the disposal of the proceeds from the sale of the property as provided for in said resolution. The service and filing of said petition shall operate to stay such resolution until final determination of the matter by the court. Upon the filing of such petition the court shall immediately fix a time for hearing the same which shall be at the earliest convenient time. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination shall be final. The powers and authority granted by this act shall be in addition to the powers and authorities granted in Section 1014, 1173, subdivision 2 of Section 1262.83, as amended, and subdivision 8 of Section 1015, as amended, of the Revised Codes of Montana, 1935."

Procedure.

Appeal to district court by taxpayer.

Budget act not applicable.

Section 2. *The provisions of this act shall be deemed and held valid notwithstanding the provisions of the budget act.*

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 4. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 7, 1947.

CHAPTER 233

An Act to Amend Section 4855 of the Revised Codes of Montana of 1935, Relative to Stenographers for Coroners in Counties Having a Population By the Federal Census of 1940 Exceeding Fifty Thousand and Increasing the Salaries of Said Stenographers, If Any; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4855 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows: Sec. 4855 R. C. M. amended.

"Section 4855. **Stenographers for Coroners in Counties** *Having a Population by the Federal Census of 1940 exceeding fifty thousand (50,000).* In each county *having a population by the federal census of 1940 exceeding fifty thousand (50,000),* the coroner may, with consent of the county commissioners, appoint a stenographer, who shall hold such position during the pleasure of the coroner making the appointment, and who shall receive as salary the sum of *one hundred dollars ($100.00)* per month, to be paid monthly out of the contingent fund of the county upon the order of the board of county commissioners." Stenographers for coroners in counties having a population exceeding 50,000.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 7, 1947.

CHAPTER 234

An Act to Amend Section 5024 of the Revised Codes of Montana, 1935, As Amended By Chapter 51 of the Session Laws of the Twenty-eighth Legislative Assembly

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of 1943, Relating to Fixing a Maximum Salary of Chief of Police In Cities of the Second and Third Class.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5024, R.C.M. as amended further amended.

Section 1. That Section 5024 of the Revised Codes of Montana, 1935, as amended by Chapter 51 of the Session Laws of the twenty-eighth legislative assembly of 1943, be, and the same is hereby amended to read as follows:

"Section 5024. **Salary of Chief of Police.** The annual salary and compensation of the chief of police must be fixed by ordinance, and must not exceed, in cities of the second class, *two hundred ten dollars ($210.00)* per month, and in cities of the third class not to exceed *one hundred ninety dollars ($190.00)* per month."

Salary of chief of police.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1947.

CHAPTER 235

An Act to Amend the Following Sections of the Revised Codes of the State of Montana, 1935, Relating to the Workmen's Compensation Act and the Administration Thereof: Section 2822, as Amended by Section 1, Chapter 81 of the Laws of the Twenty-seventh Legislative Assembly, Relating to the Bonds of the Treasurer, Members of the Board and Employees; Section 2839, as Amended by Section 1, Chapter 230 of the Laws of the Twenty-eighth Legislative Assembly, Relating to Election of Employer and Employee to Come Under the Act, and Their Rights With Respect to Action Against Third Party Causing Injury; Section 2841, as Amended by Section 1, Chapter 119 of the Twenty-sixth Legislative Assembly and Again Amended by Section 1, Chapter 135 of the Twenty-seventh Legislative Assembly, Relating to Election of Employers Engaged in Hazardous Industries and Providing Penalties For Such Failure; Section 2844, Providing Employer Shall Make Election Before Being Bound: When Employee Presumed to Have Elected and Providing When an Employer May Be Cancelled as an Employer and His Deposit Returned: Section 2900, as Amended by Section 1, Chapter 79 of the Twenty-sixth Legislative Assembly, Providing an Exception In the

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Case of Minors and Incompetents with Reference to the Period of Limitation For Filing Claims; Section 2909, Relating to Liability for Treatment and Malpractice by Doctors and Hospitals; Section 2919, as Amended by Section 4, Chapter 213 of the Twenty-ninth Legislative Assembly, Providing Compensation to Run Consecutively: Relating to Major and Minor Dependents Not Residing in the United States, and Providing For the Manner of Making Payments and Providing How Same Shall Be Apportioned Among Beneficiaries; Section 2921, Relating to Compensation In Hernia Cases and Limiting the Time When Employer, Insurer and Board Shall Be Liable for Operating Fees and Hospital Service; Section 2925, Providing When and How Payments Shall Be Made; Section 3002, Relating to Collection of Premiums In Case of Default; Cancellation of Right to Operate Under Plan Three For Failure to Pay Premiums, and Authorizing Board to Compromise Claims for Premiums In Default; Section 3009, Defining What Shall Be Included In Computing Compensation and Premiums; Repealing Section 2900.1 of the Revised Codes of Montana, 1935, and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2822, R. C. M. as amended further amended.

Section 1. That Section 2822, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 81 of the Laws of the twenty-seventh legislative assembly, be, and the same is hereby amended to read as follows:

Treasurer's bond.

"Section 2822. **Treasurer's Bond—Bond of Other Members.** The bond of the treasurer of the board shall be in a sum to be fixed by the governor, not less than fifty thousand dollars ($50,000.00). The *bond of each member* of the board other than the treasurer shall be in the sum of fifteen thousand dollars ($15,000.00). The state board of examiners may, in its discretion, require bonds of other employees of the industrial accident board in such sums as will be commensurate with the amount of funds handled by such employees. Premiums for said bonds shall be paid from the general appropriations for the industrial accident board."

Bonds of members and employees of board.

Sec. 2839, R. C. M. as amended further amended.

Section 2. That Section 2839, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 230 of the Laws of the twenty-eighth legislative assembly, be, and the same is hereby amended to read as follows:

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"Section 2839. **Election of Employer and Employee to Come Under Act—Action Against Third Party Causing Injury.** Where both the employer and employee have elected to come under this act, the provisions of this act shall be exclusive, and such election shall be held to be a surrender by such employer and such employee, as between themselves, of their right to any other method, form or kind of compensation, or determination thereof, or to any other compensation, or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common-law right or remedy, or proceeding whatever, for or on account of any personal injury to or death of such employee, except as such rights may be hereinafter specifically granted; and such election shall bind the employee himself, and in case of death shall bind his personal representative, and all persons having any right or claim to compensation for his injury or death, as well as the employer, and those conducting his business during liquidation, bankruptcy or insolvency. Provided, that whenever such employee shall receive an injury while performing the duties of his employment and such injury or injuries, so received by such employee, are caused by the act or omission of some persons or corporations other than his employer, then such employee, or in case of his death his heirs or personal representatives, shall, in addition to the right to receive compensation under the workmen's compensation act, have a right to prosecute any cause of action he may have for damages against such persons or corporations, causing such injury. In the event said employee shall prosecute an action for damages for or on account of such injuries so received, he shall not be deprived of his right to receive compensation but such compensation shall be received by him in addition to and independent of his right to bring action for such damages, provided, that in the event said employee, or in case of his death, his personal representative, shall bring such action, then the employer or insurance carrier paying such compensation shall be subrogated only to the extent of either one-half (½) of the gross amount *paid at time of bringing action and the amount eventually to be awarded to* such employee as compensation under the workmen's compensation law, or one-half (½) of the amount recovered and paid to such employee in settlement of, or by judgment in said action, whichever is the lesser amount. All expense of prosecuting such

Election of employer and employee to come under act.

Action against third party causing injury.

Subrogation of employer or insurance carrier.

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action shall be borne by the employee, or if the employee shall fail to bring such action or make settlement of his cause of action within six (6) months from the time such injury is received, the employer or insurance carrier who pays such compensation may thereafter bring such action and thus become entitled to all of the amount received from the prosecution of such action up to the amount paid the employee under the workmen's compensation act, and all over that amount shall be paid to the employee. In the event that the amount of compensation payable under this act shall not have been fully determined at the time such employee shall receive settlement of his action, prosecuted as aforesaid, then the industrial accident board shall determine what proportion of such settlement the insurance carrier would be entitled to receive under its right of subrogation and such finding of the board shall be conclusive. Such employer or insurance carrier shall have a lien on such cause of action for one-half (½) of the amount paid to such employee as compensation under the workmen's compensation act or one-half (½) of the amount recovered and paid to such employee in settlement of, or by judgment in said action, whichever is the lesser amount, which shall be a first lien thereon."

Sec. 2841, R. C. M. as amended further amended.

Section 3. That Section 2841, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 119 of the twenty-sixth legislative assembly, and again amended by Section 1, Chapter 135 of the twenty-seventh legislative assembly, be, and the same is hereby amended to read as follows:

Employers engaged in hazardous industries —election.

"Section 2841. **Employers Engaged in Hazardous Industries—Election.** Every employer engaged in the industries, works, occupations, or employments in this act specified as 'hazardous', shall, on or before the first day of July, *1947*, if such employer be then engaged in such hazardous industry, work, occupation, or employment, or, if such employer be not so engaged on said date, shall, before entering upon such hazardous work, occupation, or employment, elect *or choose which of the plans mentioned* in this act he or it will be bound by. Such election shall be in the form prescribed by the board, and shall state whether such employer shall be bound by compensation plan number one, or compensation plan number two, or compensation plan number three, and a notice

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of such election, with the nature thereof shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting shall be filed with the board.

Employers engaged in business of coal mining.

"Provided any employer engaged in the business of coal mining, or the employees of an employer so engaged, shall be compelled to be bound by one of the compensation plans provided by this act.

"After having once elected *or chosen* to be bound by one *of* the plans provided in this act, such employer shall be bound by such election, except as hereinafter provided, for said first fiscal year and each succeeding fiscal year, provided, however, that such employer may at any time upon thirty (30) days' written notice to the insurer or the board, as the case may be, elect to be bound by a different compensation plan than one by which he is then governed, *provided there is no gap in the coverage.* Such election must be made in the manner provided for in reference to the first election of such employer under this act. If *any* employer *engaged in the industry, work, occupation or employment in this act specified as hazardous* shall fail to make said election, in the time and in the manner herein prescribed, he shall be guilty of a misdemeanor, and punishable by a fine of not less than one hundred dollars ($100.00) nor more than *six hundred dollars ($600.00)* or imprisonment in the county jail for a period *not to exceed* six (6) months or by both such fine and imprisonment. A failure to provide compensation for each employee shall be deemed a separate offense for the purposes of this act."

Election to be bound by different plan.

Penalty.

Section 4. That Section 2844, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2844. **Employer Shall Make Election Before Being Bound—Employee Presumed to Have Elected.** It is the intention of this act that any employer engaged in hazardous occupations as defined herein shall, before being bound by either of the compensation plans herein provided, elect to be so bound thereby, and that the employee shall be presumed to have elected to be subject to and bound by the provisions of the particular plan which may have been adopted by his employer, unless such employee shall affirmatively elect not to be bound

Employer shall make election before being bound.

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by this act. *Provided, that an employer, after having been bound by one or the other of the three plans, may be cancelled as an employer under the act, when such employer actually ceases operating and files a signed statement to that effect with the board. Upon such filing the board may return the deposit of said employer if all premiums are paid.*"

Employer ceasing operations —return of premium deposit.

Section 5. That Section 2900, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 79 of the twenty-sixth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 2900, R. C. M. as amended further amended.

"Section 2900. **Exception in Cases of Minors and Incompetents as to Period of Limitation.** No limitation of time as provided in Section 2899 or in Chapter 256 of the political code of the State of Montana, Revised Codes, 1935, known as workmen's compensation act, shall run as against any injured workman who is mentally incompetent and without a guardian, or an injured minor under eighteen (18) years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction in which event the period of limitations as provided for in Section 2899, Revised Codes of Montana, 1935, shall begin to run on the date of appointment of such guardian, or when such minor arrives at the age of eighteen (18) years, whichever date may be the earlier."

Period of limitation as to minors and incompetents.

Section 6. That Section 2909, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2909, R. C. M. amended.

"Section 2909. **Liability for Treatment or Malpractice in Case of Hospital Service.** Neither an employer, an insurer, nor the board, shall be liable in any way for any act in connection with the treatment or care, or malpractice in treatment or care, of any sickness or injury sustained by an employee, or the beneficiary of any hospital contract, where such act or treatment or malpractice in treatment is caused, or alleged to have been caused, by any physician, hospital, or attendant furnished by such employer, insurer, or the board."

Liability for treatment or malpractice in case of hospital service.

Section 7. That Section 2919, Revised Codes of Montana, 1935, as amended by Section 4, Chapter 213 of the twenty-ninth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 2919, R. C. M. as amended further amended.

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"Section 2919. **Compensation to Run Consecutively—Major and Minor Dependents Not Residing in the United States—Manner of Payment.** Compensation shall run consecutively and not concurrently and payment shall not be made for two (2) classes of disability over the same period, provided that no compensation shall be paid to a major or minor dependent who did not reside within the United States at the date of the happening of the injury. Compensation due to beneficiaries shall be paid to the surviving spouse, if any, or if none, then divided equally among or for the benefit of the children. *In cases where beneficiaries are a surviving widow and step children of such widow the compensation shall be divided equally among all beneficiaries.* Compensation due to major dependent where there be more than one, shall be divided equitably among them and likewise as to minor dependents, and the question of dependency and amount thereof shall be a question of fact for determination by the board."

Compensation to run consecutively.

Dependent not residing in United States.

Compensation due beneficiaries, to whom paid.

Section 8. That Section 2921, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

Sec. 2921, R. C. M. amended

"Section 2921. **Hernia Cases.** A workman, in order to be entitled to compensation for hernia, must clearly prove:

Hernia cases.

"(1) That the hernia is of recent origin;

"(2) That its appearance was accompanied by pain;

"(3) That it was immediately preceded by some accidental strain suffered in the course of employment; and,

"(4) That it did not exist prior to the date of the alleged injury.

"If a workman, after establishing his right to compensation for hernia, as above provided, elects to be operated upon, a special operating fee of not to exceed one hundred dollars ($100.00) shall be paid by the employer, the insurer, or the board, as the case may be. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated. *The employer, insurer or the board, as the case may be shall not be liable for the operating fee or for hospital services contracted more than nine (9) months after the happening of the accident causing the hernia.*"

Operating fee.

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Sec. 2925, R. C. M. amended.

Section 9. That Section 2925, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 2925. **Payments Made How.** All payments of compensation, as provided in this act, shall be made *at the end of each four (4) week period*, except as otherwise provided herein."

Payments to be made, when.

Sec. 3002, R. C. M. amended.

Section 10. That Section 3002, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3002. **Collection in Case of Default by Employer—Cancellation of Right to Operate Under Plan Three for Failure to Pay Premium.** If any employer shall default in any payment to the industrial accident fund, the sum due may be collected by an action at law in the name of the state and such right of action shall be cumulative. The industrial accident board is hereby authorized, in its discretion, to cancel an employer's right to operate under plan three (3) of the workmen's compensation act for failure to pay the premiums due the industrial accident fund; provided, that when the industrial accident board makes an order cancelling an employer's right for failure to pay premiums to the industrial accident fund it shall be the duty of the industrial accident board to make such order at least sixty (60) days before the cancellation becomes effective and to send a formal notice to the sheriff or sheriffs of the county or counties where the employer is operating, and it shall be the duty of the said sheriff or sheriffs to post a notice in at least three (3) conspicuous places where the workmen can readily see said notices, to the effect that the industrial accident board has cancelled the right of the said employer to operate under the act, and said notice shall give the date of the effectiveness of said order. After said cancellation date the said employer shall have the same status as an employer who is not enrolled under the workmen's compensation act.

Collection in case of default by employer.

Cancellation of right to operate under plan three for failure to pay premium.

Compromise of claim for premium.

"When an employer's right to operate has been cancelled by the board for failure to pay premiums and when the board, in its discretion finds that the property and assets of said employer are not sufficient to pay said premiums, the board may compromise said claim for premiums and accept a payment of an amount less than the total amount due."

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Sec. 3009, R. C. M. amended.

Section 11. That Section 3009, Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows:

"Section 3009. **What Included in Computing Compensation in Hazardous Employment.** In computing the payroll, the entire compensation received by every workmen employed in the hazardous occupations enumerated in this act, shall be included, whether it be in the form of salary, wage, piece-work, or otherwise, and whether payable in money, board or otherwise. *Salary and wages paid during actual vacation period shall not be computed or assessed.*"

What included in computing compensation in hazardous employment.

Repealing clause.

Section 12. That Section 2900.1 of the Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed, *provided, however, that nothing in this act shall be construed as repealing Sections 2836 and 2837 of the Revised Codes of Montana, 1935, and, provided further, that any person hauling or assisting in hauling of sugar beets or grains, in case of emergency, shall be considered engaged in casual employment and excepted from the provisions of this act.*

Person hauling sugar beets or grain excepted from act.

Effective date.

Section 13. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 236

An Act to Amend Chapter 211, Montana Session Laws of 1943, Eliminating the One Hundred ($100.00) Dollar License Fee for Clubs and Fraternal Organizations.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 211, Laws 1943 amended.

That Section 1, Chapter 211, Montana Session Laws of 1943, be amended to read as follows:

License fees.

"Section 1. Each licensee licensed under the provisions of this act shall pay an annual license fee as follows:

Licenses outside incorporated cities and towns or in cities and towns having poulation of less than 2,000.

"(a) Except as hereinafter provided, for each license outside of incorporated cities and incorporated towns, or in incorporated cities and incorporated towns with a population of less than two thousand (2,000), two hundred ($200.00) dollars per annum;

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In cities of 2,000 to 5,000 or within five miles thereof.

"(b) Except as hereinafter provided, for each license in incorporated cities with a population of more than two thousand (2,000) and less than five thousand (5,000), three hundred ($300.00) dollars per annum; or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, three hundred ($300.00) dollars per annum;

In cities of 5,000 to 10,000 or within five miles thereof.

"(c) Except as hereinafter provided, for each license in incorporated cities with a population of more than five thousand (5,000) and less than ten thousand (10,000), or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, four hundred fifty ($450.00) dollars per annum;

In cities of 10,000 or more or within five miles thereof.

"(d) For each license in incorporated cities with a population of ten thousand (10,000) or more, or within a distance of five (5) miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, six hundred ($600.00) dollars per annum;

For railway system.

"(e) For each railway system in the State of Montana, three hundred ($300.00) dollars per annum;

Distance from corporate limits—how measured.

"(f) The distance of five (5) miles from the corporate limits of any incorporated cities and incorporated towns shall be measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city or town; and where the premises of the applicant to be licensed are situated within five (5) miles of the corporate boundaries of two (2) or more incorporated cities or incorporated towns of different populations the license chargeable by the larger incorporated city or incorporated town shall apply and be paid by the applicant; provided, however, that when the premises of the applicant to be licensed are situated within an incorporated town or incorporated city and any portion of said incorporated town or incorporated city be without said five (5) mile limit then the license fee chargeable by the smaller incorporated town or incorporated city shall apply and be paid by said applicant.

Fees are in addition to other fees chargeable.

"The license fees herein provided for are exclusive of and in addition to other license fees chargeable in the

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State of Montana for the sale of liquor, beer and malt beverages.

Populations of municipalities, how determined.

"The census taken under the direction of congress of the United States in the year nineteen hundred and thirty, and every ten years thereafter, shall be the basis upon which the respective populations of said municipalities shall be determined, unless a direct enumeration of the inhabitants thereof be made by the state or municipal corporation, in which case such later direct enumeration shall constitute such basis, provided, however, that no census hereafter taken shall be such basis until it shall have been published under the authority under which the same shall be taken, and then its effect shall from the date of such publication be prospective only and provided, further, that none of the provisions of this act shall be deemed to operate retroactively."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 237

An Act to Amend Section 2815.69, Revised Codes of Montana, 1935, as Amended By Section 4, Chapter 30, Montana Session Laws of 1937, Relating to Classification of State Liquor Stores.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.69 as amended further amended

Section 1. That Section 2815.69, Revised Codes of Montana, 1935, as amended by Section 4, Chapter 30, Montana Session Laws of 1937, be and the same is hereby amended to read as follows:

Board to establish and maintain stores

"Section 2815.69. The board shall establish and maintain at the county seats and such other places as the board deems advisable, one or more stores to be known as 'State Liquor Stores', for the sale of liquor in accordance with the provisions of this act and the regulations made thereunder; *the stores located in cities of ten thousand (10,000) population or over based on the last official United States*

Classification of stores.

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census, shall be known as 'Class A' stores; the stores located in cities of three thousand (3,000) to ten thousand (10,000) population based on the last official United States census shall be known as 'Class B' stores; the stores located in all other cities shall be known as 'Class C' stores except that the board may establish two or more stores in any one city and may designate which class said store shall be to be determined by its volume of business; the board shall employ the necessary help to operate said stores and shall designate the duties to be performed by the employees; the board may, from time to time, fix the prices at which the various classes, varieties and brands of liquor may be sold, and prices shall be the same at all state stores. Such state liquor stores shall be and remain open during such period of the day as the board shall deem advisable, provided, however, that such stores shall be closed for the transaction of business on Sundays, legal holidays, and election days."

Prices of liquor to be fixed by board.

Stores to remain open, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall take effect from and after its passage and approval.

Effective date.

Approved March 7, 1947.

CHAPTER 238

An Act to Amend Section 4465.8 of the Revised Codes of Montana, 1935, Relating to the Jurisdiction and Power of Counties and County Commissioners to Erect, Furnish and Maintain a Court House, Jail, Hospital, Civic Center, Youth Center, Park Buildings, Museums, Recreation Centers, and Any Combination Thereof, and Such Other Public Buildings As May Be Necessary and Providing For a Commission to Manage the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4465.8 of the Revised Codes of Montana, 1935, be amended to read as follows:

Sec. 4465.8 R. C. M. amended.

"4465.8. Erection *and Management* of County Buildings *and Other Improvements.* The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To cause

Erection and management of county buildings and other improvements.

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to be erected, furnished and *maintained* a court house, jail, hospital, *civic center, youth center, park buildings, museums, recreation centers, and any combination thereof,* and such other public buildings as may be necessary.

Commission for the management of such building.

"The board of county commissioners shall have the power in their discretion to create a commission for the management of such civic center, youth center, park buildings, museums, recreation centers, or any combination of two or more thereof. Such commission shall be composed of the senior district court judge of the county, chairman of the board of county commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and five (5) lay members to be appointed by the senior district court judge, the chairman of the board of county commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and their terms of office shall be respectively one (1) for one (1), two (2) for two (2), and two (2) for three (3) years, and on the expiration of such terms of one (1), two (2) and three (3) years, their successors shall hold for three (3) years each, and all of the above persons shall serve without compensation. In cases where a commission has been appointed, the commission together with the board of county commissioners shall have the power to employ a manager."

Employment of a manager authorized.

Construction of act.

Section 2. Nothing herein contained shall be construed as amending or repealing Chapter 17 of the Laws of the twenty-ninth legislative assembly.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act, being an emergency act, shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 239

An Act to Amend Section 4444.1 of the Revised Codes of Montana of 1935, Relating to Acquisition of Land For Public Recreational Purposes to Include Civic Centers,

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Youth Centers, Museums, Recreational Centers and Any Combination Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4444.1 of the Revised Codes of Montana of 1935 be amended to read as follows: Sec. 4444.1 R. C. M. amended.

"Section 4444.1. The several counties of this state are hereby authorized and empowered to acquire by purchase, grant, deed, gift, devise or condemnation, or otherwise, lands suitable for public camping and public recreational purposes, *civic centers, youth centers, museums, recreational centers and any combination thereof,* or may lease such land tracts, each of which shall be so situated as to offer ready access to a public highway." Counties authorized to acquire lands for named purposes.

Section 2. Nothing herein contained shall be construed as amending or repealing Chapter 17 of the Laws of the twenty-ninth legislative assembly. Construction of act.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 4. This act being an emergency act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 7, 1947.

CHAPTER 240

An Act to Amend Section 4630.2 of the Revised Codes of Montana, 1935, to Define "Single Purpose" In Cases of Bond Issues For a Courthouse, Jail, Hospital, Civic Center, Youth Center, Park, Museum, Recreation Center, and Any Combination Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 4630.2 of the Revised Codes of Montana, 1935, be, and the same is hereby amended to read as follows: Sec. 4630.2 R. C. M. amended.

"Section 4630.2. **Single Purpose.** Acquiring land for a site for a public building, or for any other public use within the county, and constructing, erecting or acquiring by purchase any building, *courthouse, jail, hospital, civic* "Single" purpose.

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center, youth center, park, museum, recreation center, and any combination thereof, on such land, and furnishing and equipping the same, shall be deemed a single purpose; acquiring a right-of-way for and constructing a public highway including any bridge or bridges thereon, shall be deemed a single purpose; the construction of two or more bridges, when not forming a part of the same public highway, shall be deemed separate purposes; a contribution by a county to the cost of a federal aid bridge shall be deemed a separate purpose, and a contribution by a county to the cost of a federal aid highway project on a highway leading to said bridge shall be deemed a separate purpose."

"Separate" purpose.

Construction of act.

Section 2. Nothing herein contained shall be construed as amending or repealing Chapter 17 of the Laws of the twenty-ninth legislative assembly of the State of Montana.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are repealed.

Effective date.

Section 4. This act, being an emergency act, shall be in full force and effect from and after its passage and approval.

Approved March 7, 1947.

CHAPTER 241

An Act to Repeal Chapter 231 of the Session Laws of the Twenty-eighth Legislative Assembly of the State of Montana, 1943, Relating to Life Insurance Policies, and Authority for Automatic Premium Loans.

Be it enacted by the Legislative Assembly of the State of Montana:

Chap. 231, Laws of 1943 repealed.

Section 1. That Chapter 231 of the Session Laws of the twenty-eighth legislative assembly of the State of Montana, 1943, be and the same is hereby repealed.

Effective date.

Section 2. This act shall take effect and be in force from and after January 1, 1948.

Approved March 7, 1947.

CHAPTER 242

An Act Creating a State Commission for the Study of Occupational Diseases to Be Known as "The State Com-

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mission for the Study of Occupational Diseases"; Providing for the Appointment of Members of Said Commission and Prescribing Their Powers and Duties; Providing for the Expenses of Members of Said Commission, Their Term and Tenure of Office; Providing for the Effective Date of This Act, Making an Appropriation Therefor and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

State commission for the study of occupational disease created.

Section 1. There is hereby created a state commission to be known as "the state commission for the study of occupational diseases".

Membership of commission.

Section 2. The commission shall be composed of five members appointed by the governor, two of such members shall be representatives of organized labor; two members shall be from industries chiefly affected by occupational diseases; and the fifth member to be a duly licensed physician and surgeon resident of the State of Montana.

Organization of.

Section 3. The commission shall meet and organize by electing a chairman and secretary from among its membership.

Duty of commission.

Section 4. It shall be the duty of said commission to make a comprehensive and detailed survey of occupational diseases, with particular reference to silicosis, with a view to determine the extent to which such disease exists in Montana and the measures by which undesirable existing conditions can be remedied. The commission shall have the power to hold public hearings at such times and places as it may deem expedient and advisable, but no such hearing may be held unless notice of the time and place thereof shall be given by publication in a newspaper in the city or county where such hearing is to be held at least ten (10) days prior to such hearing. Such hearings, and/or any meeting of the commission, may be held upon the written consent of any three members.

Report to be made.

Section 5. The commission shall submit to the thirty-first legislative assembly a report of its findings and conclusions not later than ten (10) days after the convening of said thirty-first legislative assembly.

Section 6. Members of the commission shall receive no

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Traveling expenses.

compensation for their services but they shall be reimbursed for their necessary traveling expenses while in the performance of their duties as members of the commission; provided, however, that the traveling expenses of the commission shall not exceed the amount of appropriation set forth herein.

Appropriation.

Section 7. For the purposes of this act there is hereby appropriated out of any moneys in the general fund of the state, not otherwise appropriated, the sum of five hundred ($500.00) dollars.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 9. This act shall be in full force and effect from and after its passage and approval, and until the first day of March, 1949.

Approved March 7, 1947.

CHAPTER 243

An Act to Amend Section 2815.63, Revised Codes of Montana, 1935, As Amended By Section 1, Chapter 30, Laws of 1937, Relating to the Fixing of the Compensation of the Members of the Montana Liquor Control Board, and Fixing the Salaries of Administrator, Assistant Administrator, Chief Accountant, Vendors, Assistant Vendors, Employees, and Department Heads.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.63 R. C. M. as amended further amended.

Section 1. That Section 2815.63 of the Revised Codes of Montana, 1935, as amended by Section 1, Chapter 30, Montana Session Laws of 1937 be and the same is hereby amended to read as follows:

Membership of Montana control board.

"Section 2815.63. The 'Montana Liquor Control Board' shall consist of three (3) members not more than two (2) of whom shall be the same political party to be appointed by the governor, with the advice and consent of the senate,

Qualifications.

and each of said members shall have been a resident of the State of Montana for a period of five (5) years and a citizen of the United States and of the State of Montana. Each member of the Montana liquor control board shall

Term of office.

hold office for a term of four (4) years and until his

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successor is appointed and qualified, provided, however, that in the appointment of the members of the first board to be appointed, under the terms of this act, one (1) of such members shall be appointed to hold office for a term of two (2) years, and two (2) of such members shall be appointed to hold office for a term of four (4) years; and provided, further, that the members of said Board may be removed from office at any time by the governor, for cause. The governor shall designate the term of service of each member first appointed, so that the term of one (1) shall end March 1, 1939, and the term of two (2) shall expire March 1, 1941. Each succeeding member shall hold his office for a term of four (4) years and until his successor shall be appointed and shall have qualified. Succeeding appointments, except when made to fill a vacancy, shall be made on or before the 31st day of January during the biennial session of the legislature, next preceding the commencement of the term for which the appointment is made; provided, that the governor shall nominate and transmit to the state senate the names of the first members of the said board, on or before the 3rd day of March, 1937. Each of the members of the Montana liquor control board shall receive, as compensation for his official services, the sum of ten dollars ($10.00) per diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, *provided, however, that* the maximum amount each member of commission shall receive for per diem shall not exceed *one thousand dollars ($1,000)* per annum, together with the traveling expenses while away from home in the performance of the duties of his office. The board shall hold its meetings at the City of Helena or at such other places as may be designated by the board. The board shall choose one (1) of its own members as chairman, and shall appoint a state liquor administrator, who shall not be a member of the board and who shall be ex-officio the secretary of the board. The board may also, in its discretion, appoint an assistant state liquor administrator and other employees. Each member of the board shall take and file the constitutional oath of office before entering the performance of his duties, and he shall give bond conditioned for the faithful performance of his duties, in the sum of twenty-five thousand dollars ($25,000.00). A majority of the members of the board shall constitute a quorum for the

Removal for cause.

Time for appointing members of board.

Compensation of board members.

Meetings.

State liquor administrator.

Oath of office.

Bond.

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Powers and duties of board.

transaction of business. The board shall have the powers and duties herein specified and the administration of the state liquor control act of Montana and the Montana beer act, including the general control, management and supervision of all state liquor stores, but the board is authorized to delegate to the state liquor administrator the general control, management and supervision of all state liquor stores, including the power to purchase supplies for same and the power to hire and discharge employees of the board, subject, however, to such regulations and restrictions as the board may impose upon the state liquor administrator.

Delegation of powers to state liquor administrator.

Salaries of employees.

The board shall fix the following salaries of its employees at such sums as it deems advisable, to-wit: The salary of the state liquor administrator in a sum not exceeding five thousand four hundred dollars ($5,400.00) per year; the salary of the assistant state liquor administrator in a sum not exceeding the sum of four thousand five hundred dollars ($4,500.00) per annum; the salary of the chief accountant not exceeding the sum of four thousand five hundred dollars ($4,500.00) per annum; the salary of a vendor of a "Class A" store in the sum not exceeding three thousand six hundred dollars ($3,600.00) per annum; the salary of any other employee of a "Class A" store in a sum not exceeding the sum of twenty-five hundred dollars ($2,500.00) per annum; the salary of a vendor of a "Class B" store in a sum not exceeding three thousand dollars ($3,000.00) per annum; the salary of any other employee of a "Class B" store in a sum not exceeding the sum of twenty-three hundred dollars ($2,300.00); the salary or compensation of a vendor of a "Class C" store in a sum not exceeding two thousand five hundred dollars ($2,500.00) per annum; the salary of any other employee of a "Class C" store in a sum not exceeding the sum of twenty-one hundred dollars ($2,100.00); the salary of any other employee of the board in a sum not exceeding the salary of the sum of three thousand six hundred dollars ($3,600.00) per year; the volume of the individual sales shall be taken into consideration in fixing the salary of store vendors, assistant vendors and employees.

Duty of assistant state liquor administrator.

The assistant state liquor administrator shall exercise such powers and perform such duties in the administration of the state liquor control act and Montana beer act as the board may prescribe."

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Effective date.

Section 2. This act shall take effect from and after its passage and approval.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1947.

CHAPTER 244

An Act to Amend Section 10, Chapter 84, Montana Session Laws of 1937, as Amended by Section 1, Chapter 76, Montana Session Laws of 1945, Relating to Whom and When Liquor Licenses May Be Issued.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 10, Ch. 84, Laws of 1937 as amended further amended.

Section 1. That Section 10, Chapter 84, Montana Session Laws of 1937 as amended by Section 1, Chapter 76, Montana Session Laws of 1945, be and the same is hereby amended to read as follows:

"Section 10. No license shall be issued by the board to:

Persons to whom a license shall not be issued.

1. A person who has been convicted of being the keeper or is keeping a house of ill fame.

2. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, *under* the laws of the federal government or the State of Montana.

3. A person whose license issued under this act has been revoked for cause.

4. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

5. A person who is not qualified or whose premises do not conform to the provisions of this act, or with the rules and regulations promulgated by the board.

6. A person who is not a citizen of the United States and who has not been a resident of the State of Montana for at least five (5) years *immediately preceding the filing of the application for license.*

7. *A person who is not the owner and operator of the business.*"

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall take effect from and after its passage and approval.

Approved March 8, 1947.

CHAPTER 245

An Act to Amend Sections 3 and 7 of Chapter 137, Session Laws of the Twenty-fifth Legislative Assembly of the State of Montana, 1937, As Amended By Chapter 137, Session Laws of the Twenty-sixth Legislative Assembly of the State of Montana, 1939, and By Chapter 164 of the Session Laws of the Twenty-seventh Legislative Assembly of the State of Montana, 1941, Providing For Payments of Benefits; Providing For and Governing Contributions Made By Employers; Defining the Duties and Powers of the Commission; All of the Above Being Amendments to the Unemployment Compensation Law of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 137 Laws of 1939 as amended further amended.

Section 1. That Section 3 of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, and further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941; be and the same is hereby amended to read as follows:

BENEFITS

Payment of benefits.

"Section 3. (a) **Payment of Benefits.** Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52 Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes

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of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe.

"(b) **Weekly Benefit Amount for Total Unemployment.** Each eligible individual, who is totally unemployed (as defined in this act) in any week, shall be paid with respect to such week, benefits at the rate of *four and one-half (4-1/2) per centum* of his total wages in employment for employers in the quarter of his base period wherein his earnings were highest, if a multiple of a dollar, or computed to the next *highest* multiple of a dollar, but not more than *eighteen* dollars *($18.00)* per week, nor less than *seven* dollars *($7.00)* per week.

Weekly benefit for total unemployment.

"(c) **Wage Record.** The commission shall maintain a record of the wages paid to an individual in accordance with wages earned by him for employment by employers during each quarter.

Wage record.

"(d) **Duration of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed sixteen (16) times his weekly benefit amount."

Duration of benefits.

Section 2. That Section 7 of Chapter 137 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, 1937, as amended by Chapter 137 of the Session Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, as further amended by Chapter 164 of the Session Laws of the twenty-seventh legislative assembly of the State of Montana, 1941, be and the same is hereby amended to read as follows:

Sec. 7, Ch. 137, Laws of 1937 as amended further amended.

CONTRIBUTIONS

"Section 7. (a) **Payment.**

(1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages (as defined in Section 19 (p)) paid for employment (as defined in this act) occurring during

Contributions, payment of.

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such calendar year. Such contributions shall become due and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half (½) cent or more, in which case it shall be increased to one (1) cent.

(b) **Rate of Contribution.**

Rate of contribution.

(1) Each employer shall pay contributions equal to the following percentages of wages (as defined in Section 19 (p) of this act) paid by him with respect to employment.

(A) One and eight-tenths (1.8) per centum with respect to employment during the calendar year 1937;

(B) Two and seven-tenths (2.7) per centum with respect to employment during the calendar years 1938, 1939, 1940, 1941, and for each calendar year thereafter, *except as herein provided in Sub-section (C) of this section.*

Experience rating.

(C) Experience Rating. The commission shall for the calendar year 1947, and for each calendar year thereafter, classify employers in accordance with their actual contribution and unemployment experience and shall determine for each employer the rate of contribution which shall apply to him throughout the calendar year in order to reflect said experience and classification.

Form of classification or experience system to be applied.

The commission shall apply such form of classification or experience rating system which is best calculated to rate individually and most equitably the employment for each employer and to encourage the stabilization of employment.

Factors to be taken account of.

In making such classification, the commission shall take account, each to an equal extent, of the following factors relating to the unemployment hazard shown by each employer on the basis of (1) average annual percentage declines in taxable payrolls for the last three (3) preceding calendar years; (2) number of years the employer has paid contributions; and (3) chargebacks to the individual employer account upon the last employer basis. The computation date is hereby fixed as of the close of business on June 30th of the preceding calendar year.

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The rates for the calendar year 1947, and thereafter, except as hereinafter provided, shall be so fixed that they would, if applied to all employers and their total taxable annual payrolls for the preceding calendar year, have yielded total paid contributions equalling approximately one and eight-tenths (1.8) per centum of the total of all such annual payrolls.

Rates, how to be fixed.

The commission shall determine the contribution rate applicable to each employer for any calendar year subject to the following limitations:

(1) Each employer's rate shall be two and seven-tenths (2.7) per centum unless and until there have been five calendar years throughout which the employer has paid contributions at the rate of two and seven-tenths (2.7) per centum.

Limitations.

(2) No employer's contribution rate shall be less than one (1) per centum.

(3) No employer's contribution rate shall be more than two and seven-tenths (2.7) per centum.

(4) The classified contribution rates for the calendar year 1947, and thereafter, except as hereinafter provided, shall be: one (1) per centum, one and one-half (1.5) per centum, two (2.0) per centum, two and one-half (2.5) per centum, and two and seven-tenths (2.7) per centum.

(5) Rates as fixed by the commission shall stand and be in effect unless and until the cash reserves in the unemployment compensation trust fund at any time in the future fall below eighteen million dollars ($18,000,000.00), then the contribution rate of all employers subject to this act shall immediately return to a uniform rate of two and seven-tenths (2.7) per centum, and shall continue at the two and seven-tenths (2.7) per centum rate until cash reserves in the unemployment compensation trust fund exceed twenty-two million dollars ($22,000,000.00).

Rates to be in effect, until when.

(6) No employer's rate shall be fixed below two and seven-tenths (2.7) per centum whose average benefit payments charged as most recent employer have, in the three preceding calendar years, exceeded the average amount of his contributions for those years.

(7) The commission shall by regulation adopt such procedures as may be necessary for the substitution, merg-

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ing or acquisition of an employer account by an employing unit, and the transfer of such employer account, rights, contributions, benefit experience and ratings to the successor employing unit or units.

Notification of employers of classification and rate of contributions.

(8) The commission shall by regulation provide for the proper notification of employers of the classification and rate of contributions applicable to their accounts. Such notification shall be final for all purposes unless and until such employer files a written request with the commission for a redetermination or hearing thereon within thirty (30) days after receipt of such notice. The provisions of Section Six (6) of the unemployment compensation law applicable to appeals under claims procedure shall apply with like purpose and effect, and be applicable to hearings and request for redeterminations of classification and rates of contribution filed by employers hereunder.

"Annual taxable payroll" defined.

(9) 'Annual taxable pay roll' means the total of the four quarters of taxable pay rolls of an employer preceding the computation date as fixed herein.

Wages in excess of $3,000.00.

(D) **Wages in Excess of Three Thousand Dollars.** Commencing January 1, 1941, the provisions of this act requiring the payment of contributions by employers subject to this act shall apply only to wages paid up to and including three thousand ($3,000.00) dollars by an employer to an employee with respect to employment during any calendar year."

Separability of act.

Section 3. If any clause, sentence, section, paragraph or part of this act shall for any reason, be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Repealing clause.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date and application of act.

Section 5. This act shall be in full force and effect from and after the date of its passage and approval and shall apply as to benefit payments under Section 1 of this act as of March 31st, 1947, and as to contribution payments and rates under Section 2 of this act, for the calendar year 1947, as of January 1st, of said year.

Approved March 8, 1947.

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CHAPTER 246

An Act to Amend Section 2815.23 of the Revised Codes of Montana, 1935, Relating to the Issuing of Wholesalers' Beer Licenses, Defining the Powers of the Montana Liquor Control Board In Issuing Wholesalers' Licenses; Limiting the Number of Licenses to Be Issued; Qualifications of Wholesalers; Providing For the Shipping of Beer Manufactured Outside of Montana Into Montana and the Distribution of Said Beer in Montana; the Records to Be Kept By Wholesalers; and Amending Section 2815.44 of the Revised Codes of Montana, 1935, Raising the License Fee For Wholesalers' License to Four Hundred Dollars; Eliminating the Fifty Dollar Club License Fee and Providing Fee For Certain Veterans Organizations; Authorizing Cities and Incorporated Towns to Pass Zoning Ordinances; Amend Section 2815.40 of the Revised Codes of Montana, 1935, Relating to Issuance of Licenses to Railroads and Persons Operating Dining and Buffet Cars For Railroads.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2815.23 R. C. M. amended.

Section 1. That Section 2815.23 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Wholesale beer license.

"Section 2815.23. Any person desiring to sell and distribute beer as a wholesaler under the provisions of this act shall apply to the board for a *license* to do so and tender with his application the license fee hereinafter provided for *and the board is hereby empowered, authorized, and directed to issue one wholesale license for every thirty (30) retail beer licenses figured on the number of retail beer licenses issued in the state to qualified applicants in accordance with the provisions of this act; such license shall be at all times prominently displayed in the place of business of such wholesaler.*

Limitation of number to be issued.

Qualifications for license

To qualify for a wholesaler's license the applicant shall have been a resident of Montana for a period of five (5) years immediately prior to making application or if said applicant is a Montana corporation said corporation shall have been organized for a period of five (5) years immediately prior to making application; or if applicant is a foreign corporation said corporation shall have been authorized to do business in Montana for a period of five

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(5) years immediately prior to making application; and said applicant shall have a fixed place of business, sufficient capital, the facilities, storehouse, receiving house or warehouse for the receiving of, storage, handling, and moving of beer in large and jobbing quantities for distribution and sale in original packages to other licensed wholesalers or licensed retailers. Each wholesaler shall be entitled to only one wholesale license which license shall be issued for his principal place of business; duplicate licenses may be issued for sub-warehouses which said duplicate licenses shall at all times be prominently displayed at said sub-warehouse; licenses already issued which are in excess of said limitations and which are of issue on the date of the passage and approval of this act, shall be renewable, but no new wholesale beer licenses shall be issued until the number of licenses shall be reduced to within the above limitations:

Existing licenses.

Beer manufactured outside of state.

All beer manufactured outside of the State of Montana and shipped into Montana shall be consigned to and shipped to a licensed wholesaler; said wholesaler shall distribute said beer from his warehouse; said wholesaler

Records to be kept.

shall keep records at his principal place of business of all beer including the name or kind received, on hand, sold, and distributed; said records may at all times be inspected by any member or representative of the board; any beer which has been shipped into Montana and has not been shipped to and distributed from a warehouse of a licensed wholesaler shall be seized by any peace officer or representative of the board and may be confiscated in the manner as provided for the confiscation of intoxicating liquor."

Sec. 2815.44 R. C. M. amended.

Section 2. That Section 2815.44 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"Section 2815.44. Each licensee, under the provisions of this act, shall pay an annual license fee as follows:

Lecense fees.

"Each 'brewer' seven hundred fifty dollars ($750.00);

"Each 'wholesaler' *four* hundred dollars ($*400*.00);

"Each 'retailer' two hundred dollars ($200.00);

"Any unit of a nationally chartered veterans organization fifty dollars ($50.00);

"Each 'vehicle' being a common carrier *of passengers,*

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or other persons operating buffet and dining cars for such common carrier, twenty-five dollars ($25.00);

Duration and transfer of licenses.

"All licenses issued in any year shall expire on the *30th day of June* at midnight of such year. *A transfer of any such license may be made on application to the Montana liquor control board with the consent of the said board provided that said transferee shall qualify under this act.*

Cities and towns may define areas for sale of beer.

The cities and incorporated towns may enact ordinances defining certain areas in said cities or towns where beer may or may not be sold providing that said ordinance does not affect the limit of retail beer licenses which shall be issued by the Montana liquor control board based upon the population of the city or town and said city or town shall file a certified copy of said ordinance with the Montana liquor control board; the cities and towns may also impose a fee on a licensee of the board for selling beer at retail in the city or town providing said fee shall be reasonable and not in excess of the amount imposed by the state."

Sec. 2815.40 R. C. M. amended.

Section 3. That Section 2815.40 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

"2815.40. Any person maintaining or operating any railroad car or train as a common carrier for the transportation of passengers, *or any other person operating a buffet or dining car for any common carrier,* desiring to sell beer under the provisions of this act, shall first apply to the board for a permit so to do, accompanying the application with the license fee herein prescribed. Upon being satisfied from said application or otherwise that the applicant is qualified under the provisions of this act, the board shall issue a license for the sale of beer by such person, which shall at all times be prominently displayed in the car, operated by the applicant, wherein beer or malt liquors are served. The board shall have the right at any time to make an inspection of the train or cars operated by any railway company in this state, to ascertain whether this act is being strictly complied with, and if not, the board is authorized and empowered to cancel such license, after which the sale of any beer or malt liquors by any such common carrier, *or other person operating buffet or dining car for such common carrier,* shall be unlawful and subject to the penalties herein prescribed. And it shall be unlawful for any such common

License for sale of beer by operator of buffet or dining car.

Inspection, and cancellation of license

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carrier, *or other person operating buffet or dining car for such common carrier,* to sell beer or malt liquors to any person under the age of twenty-one (21) years or who may appear to be in an intoxicated or disorderly condition."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall take effect upon its passage and approval.

Approved March 8, 1947.

CHAPTER 247

An Act to Amend Chapter 95 of the Montana Session Laws of 1939, Providing For the Assignment or Transfer of the Liability In Whole or In Part Under Policies Written By a Rural Mutual Insurance Company Organized Under Provisions of Section 6170 to 6205, Inclusive, of the Revised Codes of Montana of 1935, to Another Mutual Company or Companies.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1, Ch. 95 Laws of 1939 amended.

Section 1. That Section 1 of Chapter 95 of the Montana Session Laws of 1939, be and the same is hereby amended to read as follows:

Rural mutual insurance companies, power of to cede and accept insurance from other such companies.

"Section 1. In addition to the powers now granted by law to rural mutual insurance companies organized under Sections 6170 to 6205, of the Revised Codes of Montana of 1935, *such* corporations shall have the power to cede and accept insurance *to and* from any other *mutual* insurance corporation, *domiciled in Montana or licensed to do business in the State of Montana."*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1947.

CHAPTER 248

An Act to Amend Section 2683 and Section 2702 of the

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Revised Codes of Montana of 1935, as Amended By Chapter 137, Section 6 and Section 13 of the Laws of the twenty-seventh legislative assembly of 1941, Relating to Electrical Construction, Guy Insulation and Protection of Ground Wires.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2683 R. C. M. as amended further amended.

Section 1. That Section 2683 of the Revised Codes of Montana of 1935, as amended by Chapter 137, Section 6 of the Laws of the twenty-seventh legislative assembly of 1941, be and the same is hereby amended to read as follows:

"Section 2683. **Guy Insulation.** Any guy wire attached to any pole or appliance on which is run, placed, erected, or maintained any wire or cable used to conduct or carry electricity for the purpose of light, heat, or power, or used jointly with telephone, telegraph, or other signal wires, shall be permanently and effectively insulated at all times, by the insertion of at least two (2) strain insulators. The upper of these insulators shall be inserted in the guy so as to be at least six (6) feet in a horizontal line from the pole itself, and the second strain insulator shall be inserted in the guy so as to be not less than eight (8) feet in a vertical line from the surface of the ground. In short guys in which the two (2) insulators are required, and which will be located at the same points or near each other, two (2) insulators may be coupled in series and put into the guy together. All strain insulators shall be so constructed and maintained that the guy wire or guy cable holding the insulator in place shall interlock in case of failure or breakage thereof. The above shall not apply to railway electrification, where at least one (1) insulator shall be inserted in each end of every auxiliary cross-span, and one in each auxiliary guy, *and provided further, that, in accord with the provisions of the National Electric Safety Code, the above shall not apply to lines in rural areas where a common neutral is used and both primary and secondary circuits and also the guys are grounded to said common neutral and said common neutral has at least four (4) ground connections in each mile in addition to each ground connection at individual services.*"

Guy insulation.

Proviso, re lines in certain rural areas.

Sec. 2702 R. C. M. as amended further amended.

Section 2. That Section 2702 of the Revised Codes of Montana of 1935, as amended by Chapter 137, Section 13 of the Laws of the twenty-seventh legislative assembly of

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1941, be and the same is hereby amended to read as follows:

Protection of ground wires and cables run vertically on poles or other structures.

"Section 2702. **Protection of Ground Wires and Cables Run Vertically on Poles or Other Structures.** Any person, company, or corporation owning or using any poles or appliances for light, heat, or power, or poles used jointly for light, heat, or power wires, and telephones, telegraph, and other signal wires, on which is run any ground or vertical wires, shall cause all such wires *to be incased downward for a distance of five (5) feet below the lowest crossarm, or other wire supporting attachment used for light, heat or power, in a casing equal in durability and insulating efficiency to a wooden casing not less than one and one-fourth (1-1/4) inches thick, and for a distance upward of eight (8) feet above the surface of the ground in a wooden or metal casing for mechanical protection: provided, however, that the said uppermost casing may be omitted on poles supporting circuits carrying not more than four hundred forty (440) volts, and on poles in rural areas where a common grounded neutral is used.* All metal casings to be permanently and effectively grounded; provided, that this section shall be held not to apply to wires or cables which lead from overhead to underground systems, and further provided, that it shall not apply to high-tension lines."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1947.

CHAPTER 249

An Act to Authorize the State of Montana to Become Indebted in the Sum of Five Million Dollars ($5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction and Equipping Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor in and About the University of Montana, Consisting of the Six Units Thereof Now

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Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a Levy of An Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, Providing for a Referendum of This Act, Describing the Form of Ballots to Be Used and the Duties of the Secretary of State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorized: bond issue of constitutional limitations for buildings and improvements for university units.

Section 1. That the legislative assembly of the State of Montana is hereby authorized and empowered to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding five million dollars ($5,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, Montana state normal college at Dillon, eastern Montana state normal school at Billings, and the northern Montana college at Havre.

Time and amount of issue.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and

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about the university of Montana, consisting of the six units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, Montana state normal college at Dillon, eastern Montana state normal school at Billings, and the northern Montana college at Havre.

Date, terms and denominations of bonds.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time the same are authorized to be issued under the provisions of this act and shall bear date as of the day of issuance thereof and shall become due and payable serially over a period of not to exceed twenty (20) years from the date of issuance and shall bear interest at the rate of not to exceed four percent (4%) per annum payable semi-annually on such dates as may be determined and fixed by the state board of examiners, provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series.

Place of payment.

The bonds provided for in this act shall be payable at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, both as to interest and principal and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. All of such bonds so issued

Maturity.

shall mature at the expiration of twenty (20) years from and after the date thereof and shall be callable at par plus accrued interest for redemption prior to maturity or any interest payment date on or after the expiration of ten (10) years from the respective dates thereof at the option of the state board of examiners of the State of Montana in the manner set forth in the form of bond hereinafter provided.

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Section 4. The board of examiners shall prescribe the form of such bonds, and bonds of each series shall bear upon their face the words: "University of Montana building bonds of the State of Montana" with a letter or figure to designate the series thereon and shall be executed by the members of the state board of examiners and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the state board of examiners and the signing of said bonds and coupons with facsimile signatures shall be recognized as sufficient execution on behalf of the State of Montana. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell such bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of twenty (20) years from and after the approval of this act and in such amounts as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Form of bonds.

Sale of bonds.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six units thereof now existing, set forth in Section 1 of this act, as in the opinion of the board of examiners is necessary for the proper maintenance and support of the said state institutions. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Special fund for purposes designated.

Section 6. There shall be levied annually upon all property of the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation

Tax levy for payment of bonds.

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of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due, and the payment of the bonds as they serially become due, said levy, however, not to exceed two and one-half (2½) mills per annum, until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana, and by the state treasurer placed in the "university of Montana building bond interest and redemption fund" which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Act to be submitted to a referendum.

Section 7. There shall be a referendum on this act, and the secretary of state of the State of Montana is hereby required, and it is made his duty to submit this measure to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1948, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto. The title and number of this referendum act shall be printed upon the official ballot used at said election; and irrespective of the provisions of Section 103, Revised Codes of Montana, 1935, such title shall read as follows:

Official ballot, form and contents of.

"An Act to Authorize the State of Montana to Become Indebted in the Sum of Five Million Dollars ($5,000,000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction and Equipping Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor in and About the University of Montana, Consisting of the Six Units Thereof Now Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Montana State Normal College at Dillon, Eastern Montana State Normal School at Billings, and the Northern Montana College at Havre; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, Providing for a Referendum of

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This Act, Describing the Form of Ballots to Be Used and the Duties of the Secretary of State of the State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect."

Below the said title of the act on said ballot there shall be printed the words and squares:

☐ For the bond issue for University of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the University of Montana, consisting of the six units now existing.

☐ Against the bond issue for the University of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the University of Montana, consisting of the six units now existing.

Each qualified elector shall designate his preference by marking an 'X' in the square before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned and canvassed and the results shall be determined and declared in the manner provided by the general election laws of the state and the laws of this state relating to referendum elections.

Cost of bonds.

Section 8. The cost of the bonds issued under this act, fees, commissions, and compensation of the architect or architects employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Separability of act.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Repealing clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1947.

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CHAPTER 250

An Act to Amend Section 3, Section 4, Section 6, Section 7, Section 8, Section 9, Section 11, Section 12, Section 13, Section 14, Section 15, Section 16, and Section 17 of Chapter 118 of the Laws of the Twenty-fifth Legislative Assembly of the State of Montana Relating to Contracts For Public Printing, Fixing the Prices Therefor, and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 3, Ch. 118 Laws of 1937 amended.

Section 1. That Section 3 of Chapter 118 of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Envelopes.

"Section 3. **Envelopes.**

			500	1000	Add'l. 1000
White Wove	*6 3/4-24*	*Grade 200*	*$3.60*	*$5.60*	*$3.90*
	6 3/4-28	*Grade 225*	*3.75*	*5.90*	*4.25*
	10-24	*Grade 350*	*4.55*	*7.45*	*5.80*
	10-28	*Grade 400*	*4.90*	*8.10*	*6.40*
White Bond	*6 3/4-20*	*Grade 200*	*3.60*	*5.60*	*3.90*
	10-20	*Grade 350*	*4.55*	*7.45*	*5.80*
Manila	*6 3/4-20*	*Grade 200*	*3.60*	*5.60*	*3.90*
	10-28	*Grade 450*	*5.20*	*8.75*	*7.00*
	12-28	*Grade 600*	*6.10*	*10.60*	*8.90*"

Section 2. That Section 4 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Letterheads.

"Section 4. **Letterheads.**

	250	500	1000	Add'l. 1000
8 1/2 x 7-16 or 20, Grade 20	$ *4.15*	$ *5.15*	$ *6.95*	$ *3.45*
8 1/2 x 7-16 or 20, Grade 32 1/2	*4.40*	*5.65*	*8.00*	*4.45*
8 1/2 x 11-16 or 20, Grade 20	*5.05*	*6.30*	*8.70*	*4.65*
8 1/2 x 11-16 or 20, Grade 32 1/2	*5.45*	*7.10*	*10.30*	*6.30*"

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Section 3. That Section 6 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 6, Ch. 118 Laws of 1937 amended.

"Section 6. **General Office Forms, Original Only.** Printed one or two sides, padded or loose. Actual cost of paper per ream pound indicates the grade number listed herewith. Grade numbers cover either 13, 16 or 20 pound substance paper.

General office forms.

Size 4⅜ x 8½	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 5.40	$ 6.40	$ 7.60	$ 2.75
1 side, Grade 17	5.50	6.55	7.90	3.00
1 side, Grade 27	5.65	6.85	8.55	3.25
Same form other side add	.75	1.25	2.25	2.00
Different form other side add	2.25	2.75	3.50	2.00

Size 5½ x 8½	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 7.75	$ 8.75	$ 10.25	$ 2.75
1 side, Grade 17	7.75	8.75	10.50	3.25
1 side, Grade 27	8.00	9.25	11.50	3.75
Different other side add	3.75	4.25	5.00	1.90

Size 6 x 9½—7¼ x 8½	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 8.00	$ 9.00	$ 10.50	$ 2.75
1 side, Grade 17	8.00	9.25	11.00	3.00
1 side, Grade 27	8.25	9.75	12.00	3.75
Different other side add	4.00	4.50	5.00	2.00

Size 8½ x 11	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 15.65	$ 16.90	$ 19.05	$ 4.00
1 side, Grade 17	15.90	17.40	19.25	4.55
1 side, Grade 27	16.40	18.15	21.25	5.80
Different other side add	9.00	9.75	10.50	1.50

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General office forms.

Size 8½ x 14 or 9½ x 12	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 17.75	$ 19.25	$ 21.50	$ 4.00
1 side, Grade 17	18.00	19.50	22.25	4.75
1 side, Grade 27	18.50	20.75	24.50	7.00
Different other side add	10.25	11.00	12.00	2.00

Size 11¼ x 14	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 20.75	$ 22.25	$ 24.75	$ 4.50
1 side, Grade 17	21.00	22.75	26.00	5.50
1 side, Grade 27	21.50	24.00	28.25	7.50
Different other side add	12.25	12.75	13.75	2.00

Size 12 x 19 *or 11 x 17*	250	500	1000	Add'l. 1000
1 side, Grade 12	$ 24.75	$ 26.50	$ 29.50	$ 5.25
1 side, Grade 17	25.25	27.25	31.00	6.75
1 side, Grade 27	26.00	29.00	34.25	10.00
Different other side add	15.50	16.25	17.25	2.50

17 x 22—one side	*250*	*500*	*1000*	Add'l. *1000*
Grade 12	$ *26.85*	$ *29.15*	$ *33.55*	$ *8.65*
Grade 17	*27.50*	*30.45*	*36.15*	*11.25*
Grade 27	*28.80*	*33.05*	*41.35*	*16.45*
Different other side add	*24.75*	*25.40*	*26.60*	*3.75*

19 x 24—one side.	*250*	*500*	*1000*	Add'l. *1000*
Grade 12	$ *34.45*	$ *37.10*	$ *42.30*	$ *10.30*
Grade 17	*35.25*	*38.70*	*45.50*	*13.50*
Grade 27	*36.85*	*41.90*	*51.90*	*19.90*
Different other side add	*31.85*	*32.50*	*33.75*	*4.00*

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17 x 28—one side.	*250*	*500*	*1000*	Add'l. *1000*
Grade 12	$ *35.55*	$ *38.30*	$ *43.80*	$ *10.90*
Grade 17	*36.35*	*39.95*	*47.10*	*14.20*
Grade 27	*38.00*	*43.25*	*53.75*	*20.80*
Different other side add	*33.00*	*33.65*	*34.85*	*4.00"*

Section 4. That Section 7 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 7, Ch. 118 Laws of 1937 amended

"Section 7. **General Forms, Receipts and Requisitions in Duplicate or More Copies.** Actual cost of paper per pound for both original and duplicate copies is indicated by the grade numbers listed herewith. Grade numbers cover either 13, 16 or 20 substance paper, perforated, gathered, numbered and padded.

Size 3½ x 8½ or less 1 side only	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30	$ 5.90	$ 7.20	$ 9.55	$ 4.15
Grade 35	5.90	7.30	9.65	4.25
Grade 40	6.00	7.40	9.95	4.50
Triplicate or more, and for each additional blank, Grade 20	1.25	1.75	2.50	2.00
Bound 50 sets to book in Tag or Marbleboard cover	1.00	1.65	2.90	2.65
If original printed both sides add	3.25	3.75	4.50	1.50
If original and duplicate printed both sides, add	3.75	4.50	6.00	3.00

Forms in duplicate or more copies.

Sizes over 3½ x 8½, but not over 5½ x 8½, 1 side only	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30	$ 8.00	$ 9.75	$ 13.00	$ 5.50
Grade 35	8.00	9.75	13.25	5.75

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Forms in duplicate or more copies.

	250	500	1000	Add'l. 1000
Grade 40	8.25	10.00	13.50	6.00
For each additional blank, add Grade 20	1.50	2.50	4.00	2.75
Bound 50 sets to book in Tag or Marbleboard cover	1.00	1.65	2.90	2.65
If original printed both sides add	$ 5.75	$ 6.25	$ 7.00	$ 1.50
If original and duplicate printed both sides add	6.25	7.00	7.50	1.50

Sizes over 5½ x 8½ but not over 8½ x 11, 1 side only	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30	$ 12.25	$ 15.00	$ 19.25	$ 7.75
Grade 35	12.50	15.25	19.75	8.25
Grade 40	12.50	15.50	20.25	8.75
For each additional blank, add, Grade 20	1.50	2.75	5.00	4.00
Bound 50 sets to book in Tag or Marbleboard cover	1.20	2.20	3.55	3.30
If original printed both sides add	9.00	9.75	10.50	1.50
Original and Duplicate printed both sides	9.75	10.50	11.75	2.50

Sizes over 8½ x 11 but not over 8½ x 14 or 9½ x 12, 1 side only	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30	$ 14.00	$ 17.00	$ 22.00	$ 8.75
Grade 35	14.25	17.50	22.75	9.50
Grade 40	14.25	17.75	23.75	10.00

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	250	500	1000	Add'l. 1000
For each additional blank add, Grade 20..	1.75	3.25	5.75	4.50
Bound 50 sets to book in Tag or Marbleboard cover	1.20	2.20	3.55	3.30
Original printed both sides	10.25	11.00	12.00	2.00
Original and Duplicate printed both sides	11.00	12.00	14.00	2.75

Forms in duplicate or more copies

Sizes over 8½ x 14 but not over 11 x 17, 1 side only

	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30.....	$ 18.00	$ 21.25	$ 27.50	$ 10.75
Grade 35	18.25	21.75	28.50	11.75
Grade 40	18.50	22.25	29.50	12.75
For each additional blank add, Grade 20..	2.50	4.25	7.25	5.75
Bound 50 sets to book in Tag or Marbleboard cover	1.70	3.00	4.75	4.55
Original printed both sides	13.50	14.25	15.25	2.00
Original and Duplicate printed both sides	14.25	15.25	17.00	3.25

Sizes over 11 x 17 but not over 12 x 19 or 14 x 17, 1 side only

	250	500	1000	Add'l. 1000
Original and Duplicate, Grade 30.....	$ 20.00	$ 23.75	$ 30.75	$ 12.75
Grade 35	20.25	24.25	32.00	13.50
Grade 40	20.75	25.00	33.25	14.75
For each additional blank add, Grade 20..	2.75	4.75	8.50	6.75

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	250	500	1000	Add'l. 1000
Bound 50 sets to book in Tag or Marbleboard cover	1.70	3.00	4.75	4.55
Original printed both sides	15.00	16.25	17.25	2.00
Original and Duplicate printed both sides	16.25	17.25	19.00	3.25''

Section 5. That Section 8 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Tax receipts.

''Section 8. **Tax Receipts in Quintuple** *and More or Less Copies.*' Perforated, gathered, numbered, different color paper for each sheet, bound in books of 50 sets each complete.

	1000	2000	3000	Add'l. 1000
Size 8½ x 11	$ *64.00*	$106.50	$146.00	$ 41.40
If additional sheet add	4.75	8.50	12.00	3.50
Add for extra color	4.75	6.25	7.50	1.25
If statement printed on other side add	5.50	6.50	7.50	1.25
Size 9¼ x 11⅞ or 8½ x 14	73.65	120.25	166.50	46.25
If additional sheet add	5.25	9.50	13.75	4.25
Add for extra color	5.00	6.50	8.00	1.50
If statement printed on other side add	6.25	8.25	10.25	2.00
Size 10¾ x 16¾ or 11 x 17	94.25	152.20	208.80	56.60
If additional sheet add	6.75	12.00	17.25	5.25
Add for extra color	6.50	8.50	10.25	2.00
If statement printed on back add	8.25	10.00	11.75	2.00

More than five copies.

To ascertain price on more than five (5) copies (Quintuple) add for each additional sheet: for less than five (5) copies, deduct for each sheet at the rate set forth above for sizes specified.

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Section 6. That Section 9 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows: Sec. 9, Ch. 118 Laws of 1937 amended.

"Section 9. **Assessment Lists.**

Assessment lists.

Printed 1 or 2 sides	1000	2000	3000	Add'l. 1000
Size 8½ x 14 in duplicate, gathered, padded, perforated	$ 53.75	$ 75.50	$ 97.00	$ 20.77
If original only, padded	40.00	46.75	53.50	6.75
Bound in books of 50 or 75 sets add	4.50	6.90	9.30	2.40
Size 8¾ x 15 to 9½ x 16½ or 9½ x 17 in duplicate	61.25	86.00	110.25	22.63
If original only, padded	46.25	53.75	61.00	8.25
If bound in books of 50 or 75 sets add	5.75	9.35	12.95	3.60
Size 14 x 17 in duplicate	65.50	105.50	134.75	27.90
If bound in books of 50 or 75 sets add	6.70	11.00	15.00	4.00
Size 14 x 17, original only padded	56.35	64.55	72.95	8.40"

Section 7. That Section 11 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows: Sec. 11, Ch. 118 Laws of 1937 amended.

"Section 11. **Index Cards,** *Class B. Grade 400*

Index cards.

	500	1000	Add'l. 1000
3 x 5 one side	$ *7.25*	$ *9.00*	$ 3.00
Same form, both sides	*8.55*	*11.10*	*4.25*
Different forms, *each* side	*13.45*	*15.85*	*3.65*
4 x 6 one side	*9.90*	*11.05*	*3.85*
Same form, both sides	*10.20*	*13.15*	*5.15*
Different forms, *each* side	*15.90*	*18.80*	*4.90*

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	500	1000	Add'l. 1000
5 x 8 one side	*10.50*	*13.20*	*5.15*
Same form both sides	11.80	15.30	6.45
Different forms, *each* side	*18.55*	*22.05*	*6.20"*

Sec. 12, Ch. 118 Laws of 1937 amended.

Section 8. That Section 12 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Special ruled and printed forms.

"Section 12. **Special Ruled and Printed Forms.** Prices apply to both sides ruled different with deductions for ruling and printing the same both sides or ruled and printed one side only. Prices include punching for loose leaf holders with rings or posts and green edging of sheets. Numbering of guide lines printed along binding edge of sheet, add $1.50 for each guide line.

8½ x 11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *19.95*	$ *23.55*	*29.75*	$ *11.30*
Grade 30, 32 Sub.	*20.10*	*23.90*	*30.50*	*12.05*
Grade 60, 36 Sub.	*21.60*	*26.95*	*36.50*	*18.05*
Deduct if both sides alike	*5.05*	*4.95*	*4.85*	.25
Deduct if printed and ruled, 1 side only	*7.80*	*8.60*	*10.10*	*2.50*

8½ x 14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *23.20*	$ *27.10*	$ *34.15*	$ *12.80*
Grade 30, 32 Sub.	*23.45*	*27.55*	*35.05*	*13.75*
Grade 30, 36 Sub.	*25.35*	*31.40*	*42.65*	*21.40*
Deduct if both sides ruled and printed alike	*7.35*	*7.25*	*7.10*	.25
Deduct if ruled and printed, 1 side only	*9.35*	*10.10*	*11.60*	*2.80*

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9 1/4 x 17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *25.80*	$ *30.55*	$ *39.15*	$ *16.90*
Grade 30, 32 Sub.	*26.15*	*31.20*	*40.45*	*18.15*
Grade 60, 36 Sub.	*28.90*	*36.50*	*50.95*	*28.35*
Deduct if both sides ruled and printed alike	*7.35*	*7.25*	*7.10*	*.25*
Deduct if ruled and printed, 1 side only..	*9.35*	*10.10*	*11.60*	*2.80*

Special ruled and printed forms.

9½ x 12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *21.00*	$ *24.90*	$ *31.95*	$ *12.50*
Grade 30, 32 Sub.	*21.20*	*25.35*	*32.85*	*13.40*
Grade 60, 36 Sub.	*23.05*	*29.05*	*40.20*	*20.75*
Deduct if both sides ruled and printed alike	*5.55*	*5.45*	*5.35*	.25
Deduct if ruled and printed, 1 side only..	*8.10*	*8.85*	*10.35*	2.50

9½ x 24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *35.25*	$ *41.55*	$ *53.05*	$ *22.25*
Grade 30, 32 Sub.	*35.70*	*42.45*	*54.85*	*24.05*
Grade 60, 35 Sub.	*39.40*	*49.80*	*69.55*	*38.75*
Deduct if both sides ruled and printed alike	*11.40*	*11.20*	*11.00*	*.25*
Deduct if ruled and printed, 1 side only..	*13.90*	*14.90*	*16.90*	*5.60*

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Special ruled and printed forms.

10½ x 16 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *28.55*	$ *33.75*	$ *43.30*	$ *17.75*
Grade 30, 32 Sub.	*28.90*	*34.40*	*44.65*	*19.10*
Grade 60, 36 Sub.	*31.65*	*39.85*	*55.45*	*27.90*
Deduct if both sides ruled and printed alike	*8.85*	*8.75*	*8.60*	.50
Deduct if ruled and printed, 1 side only..	*10.85*	*11.85*	*13.65*	*2.75*

11 x 14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *24.75*	$ *29.55*	$ *38.15*	$ *16.85*
Grade 30, 32 Sub.	*25.10*	*30.20*	*39.45*	*18.10*
Grade 60, 36 Sub.	*27.85*	*35.50*	*49.95*	*28.30*
Deduct if both sides ruled and printed alike	*6.85*	*6.75*	*6.00*	.25
Deduct if ruled and printed, 1 side only..	*8.10*	*8.85*	*10.35*	*2.80*

11 x 17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *29.90*	$ *35.25*	$ *45.35*	$ *18.90*
Grade 30, 32 Sub.	*30.30*	*36.00*	*46.85*	*20.40*
Grade 60, 36 Sub.	*33.25*	*42.00*	*58.85*	*32.40*
Deduct if both sides ruled and printed alike	*9.40*	*9.30*	*9.15*	.50
Deduct if ruled and printed, 1 side only..	*11.40*	*12.40*	*14.15*	*3.05*

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11 1/4 x 24 1/2 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

Special ruled and printed forms.

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *39.75*	$ *47.00*	$ *60.50*	$ *24.75*
Grade 30, 32 Sub.	*40.35*	*48.10*	*62.75*	*27.00*
Grade 60, 36 Sub.	*44.85*	*57.15*	*80.75*	*45.00*
Deduct if both sides ruled and printed alike	*12.65*	*12.50*	*12.30*	*.50*
Deduct if ruled and printed, 1 side only	*14.90*	*16.15*	*18.20*	*3.05*

12 x 9½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *20.25*	$ *24.15*	$ *31.20*	$ *12.55*
Grade 30, 32 Sub.	*20.45*	*24.60*	*32.10*	*13.45*
Grade 60, 32 Sub.	*22.30*	*28.30*	*39.45*	*20.80*
Deduct if both sides ruled and printed alike	*5.35*	*5.25*	*5.15*	.25
Deduct if ruled and printed, 1 side only..	*7.85*	*8.60*	*10.10*	*2.55*

12 x 19 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *33.50*	$ *39.80*	$ *51.30*	$ *21.30*
Grade 30, 32 Sub.	*33.95*	*40.70*	*53.10*	*23.10*
Grade 60, 36 Sub.	*37.65*	*48.05*	*67.80*	*37.80*
Deduct if both sides ruled and printed alike	*10.90*	10.75	10.50	.25
Deduct if ruled and printed, 1 side only..	*13.40*	*14.40*	*16.40*	*2.80*

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Special ruled and printed forms.

12 x 23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *39.25*	$ *46.45*	$ *59.80*	$ *24.55*
Grade 30, 32 Sub.	*39.85*	*47.60*	*62.05*	*26.80*
Grade 60, 36 Sub.	*44.35*	*56.50*	*79.90*	*44.65*
Deduct if both sides ruled and printed alike	*12.45*	*12.30*	*12.10*	.50
Deduct if ruled and printed, 1 side only..	*14.40*	*15.65*	*17.70*	*3.05*

12 x 28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *50.60*	$ *60.60*	$ *78.05*	$ *32.40*
Grade 30, 32 Sub.	*51.25*	*61.95*	*80.75*	*35.10*
Grade 60, 36 Sub.	*56.85*	*73.10*	*103.10*	*57.45*
Deduct if both sides ruled and printed alike	*19.25*	*19.10*	*18.90*	.50
Deduct if ruled and printed, 1 side only..	*19.20*	*21.20*	*24.00*	*4.75*

14 x 17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *32.90*	$ *39.10*	$ *50.65*	$ *21.40*
Grade 30, 32 Sub.	*33.35*	*40.00*	*52.50*	*23.30*
Grade 60, 36 Sub.	*37.20*	*47.65*	*67.90*	*38.50*
Deduct if both sides ruled and printed alike	*10.65*	*10.50*	*10.30*	*.25*
Deduct if ruled and printed, 1 side only..	*12.20*	*13.40*	*15.40*	*2.80*

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14 x 22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

Special ruled and printed forms.

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *41.40*	$ *49.25*	$ *64.05*	$ *28.70*
Grade 30, 32 Sub.	*42.10*	*50.50*	*66.70*	*31.30*
Grade 60, 36 Sub.	*47.25*	*60.90*	*87.40*	*52.00*
Deduct if both sides ruled and printed alike	*15.00*	*14.90*	*14.70*	.50
Deduct if ruled and printed, 1 side only..	*16.20*	*17.75*	20.00	*3.75*

14 x 34 TOTAL OF 20 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *59.70*	$ *70.45*	$ *91.00*	$ *39.95*
Grade 30, 32 Sub.	*60.65*	*72.35*	*94.75*	*43.70*
Grade 60, 36 Sub.	*68.35*	*87.55*	*125.20*	*74.15*
Deduct if both sides ruled and printed alike	*22.25*	*22.10*	*21.90*	*.50*
Deduct if ruled and printed, 1 side only..	*23.75*	*25.25*	*28.00*	*4.80*

17 x 11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *27.40*	$ *32.30*	$ *42.35*	$ *18.65*
Grade 30, 32 Sub.	*27.80*	*33.25*	*43.85*	*20.15*
Grade 60, 36 Sub.	*30.75*	*39.25*	*55.85*	*32.15*
Deduct if both sides ruled and printed alike	*8.90*	*8.80*	*8.65*	.25
Deduct if ruled and printed, 1 side only..	*10.35*	*11.35*	*13.15*	*2.75*

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Special ruled and printed forms.

17 x 14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *30.90*	$ *37.05*	$ *48.35*	$ *21.20*
Grade 30, 32 Sub.	*31.35*	*37.95*	*50.20*	*23.10*
Grade 60, 36 Sub.	*35.20*	*45.30*	*65.60*	*38.30*
Deduct if both sides ruled and printed alike	*10.40*	*10.25*	*10.05*	.25
Deduct if ruled and printed, 1 side only..	*11.40*	*12.40*	*14.40*	*2.80*

17 x 22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *43.75*	$ *52.25*	$ *68.50*	$ *31.50*
Grade 30, 32 Sub.	*44.50*	*53.75*	*71.50*	*34.50*
Grade 60, 36 Sub.	*50.50*	*65.75*	*95.50*	*58.50*
Deduct if both sides ruled and printed alike	*15.70*	*15.60*	*15.45*	.50
Deduct if ruled and printed, 1 side only..	*17.70*	*19.20*	*21.50*	*3.75*

17 x 28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *54.40*	$ *66.15*	$ *87.00*	$ *39.60*
Grade 30, 32 Sub.	*55.35*	*68.05*	*90.75*	*43.35*
Grade 60, 36 Sub.	*63.05*	*83.25*	*121.20*	*73.80*
Deduct if both sides ruled and printed alike	*20.25*	*20.10*	*19.90*	.50
Deduct if ruled and printed, 1 side only..	*21.75*	*23.25*	*26.00*	*4.80*

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17 x 46 TOTAL OF 28 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *86.45*	$*107.90*	$*142.60*	$ *63.90*
Grade 30, 32 Sub.	*87.95*	*111.05*	*148.55*	*70.00*
Grade 60, 36 Sub.	*100.85*	*135.80*	*198.40*	*119.70*
Deduct if both sides ruled and printed alike	*33.95*	*33.60*	*33.20*	*.75*
Deduct if ruled and printed, 1 side only..	*33.81*	*35.31*	*39.50*	*7.85*

Special ruled and printed forms.

18 x 11½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *30.15*	$ *36.15*	$ *46.95*	$ *20.00*
Grade 30, 32 Sub.	*30.60*	*37.00*	*48.60*	*21.65*
Grade 60, 36 Sub.	*34.00*	*43.65*	*61.90*	*34.90*
Deduct if both sides ruled and printed alike	*9.65*	*9.50*	*9.20*	.25
Deduct if ruled and printed, 1 side only..	*11.65*	*12.90*	*14.40*	*2.80*

18 x 23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *50.45*	$ *61.35*	$ *80.60*	$ *36.15*
Grade 30, 32 Sub. ..	*51.25*	*63.00*	*84.00*	*39.50*
Grade 60, 36 Sub.	*57.90*	*76.30*	*110.60*	*66.15*
Deduct if both sides ruled and printed alike	*19.75*	*19.60*	*19.40*	.50
Deduct if ruled and printed, 1 side only..	*20.75*	*22.25*	*25.00*	*4.80*

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Special ruled and printed forms.

18 x 46 TOTAL OF 32 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *90.95*	$*111.70*	$*147.75*	$ *68.35*
Grade 30, 32 Sub.	*92.65*	*115.00*	*154.85*	*75.15*
Grade 60, 36 Sub.	*105.75*	*141.40*	*207.90*	*128.50*
Deduct if both sides ruled and printed alike	*39.75*	*39.60*	*39.65*	1.00
Deduct if ruled and printed, 1 side only..	*38.90*	*40.65*	*46.15*	*8.95*

19 x 12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Column 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *31.50*	$ *37.75*	$ *49.25*	$ *21.30*
Grade 30, 32 Sub.	*31.95*	*38.65*	*51.05*	*23.10*
Grade 60, 36 Sub.	*35.65*	*46.00*	*65.75*	*37.80*
Deduct if both sides ruled and printed alike	*9.90*	*9.75*	*9.45*	.25
Deduct if ruled and printed, 1 side only..	*12.15*	*13.40*	*14.90*	*2.80*

19 x 24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns, 50 cents each

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *53.20*	$ *64.70*	$ *85.15*	$ *38.55*
Grade 30, 32 Sub.	*54.10*	*66.50*	*88.75*	*42.15*
Grade 60, 36 Sub.	*61.45*	*81.20*	*118.15*	*71.40*
Deduct if both sides ruled and printed alike	*20.00*	*19.85*	*19.65*	.50
Deduct if ruled and printed, 1 side only..	*21.25*	*22.75*	*25.50*	*4.80*

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20 x 14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns, 50 cents each

Special ruled and printed forms.

	250	500	1000	Add'l. 1000
Grade 30, 28 Sub.	$ *36.75*	$ *44.00*	$ *57.75*	$ *26.25*
Grade 30, 32 Sub.	*37.30*	*45.10*	*60.00*	*28.50*
Grade 60, 36 Sub.	*41.70*	*54.15*	*78.00*	*46.50*
Deduct if both sides ruled and printed alike	*13.45*	*13.35*	*13.20*	*.25*
Deduct if ruled and printed, 1 side only..	*13.65*	*14.15*	*16.40*	*3.80*

20 x 28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns 50 cents each

	250	*500*	*1000*	Add'l. *1000*
Grade 30, 28 Sub.	$ *61.35*	$ *73.25*	$ *96.50*	$ *44.75*
Grade 30, 32 Sub.	*62.45*	*75.50*	*101.00*	*49.25*
Grade 60, 36 Sub.	*71.50*	*93.50*	*137.00*	*85.25*
Deduct if both sides ruled and printed alike	*21.75*	*21.60*	*21.40*	*.50*
Deduct if ruled and printed, 1 side only..	*22.75*	*24.25*	*27.00*	*4.80"*

Sec. 13, Ch. 118 Laws of 1937 amended.

Section 9. That Section 13 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

"Section 13. **Bound Books.**

Bound books,

Bound Books, Ruled, Printed and Paged on 36 Sub. No. 1 100% rag ledger. Patent Back, Flat Opening. Complete, including lettering back or side title.

The first dimension listed is the binding margin. When greater or intermediate lengths of sheets are furnished with a binding size as listed, the difference between two given lengths is added or subtracted in the correct proportion to either of the given lengths to cover the length of sheet actually furnished. When an intermediate binding size is furnished, the next larger binding size shall be used.

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Bound books.

SIZE 10½ x 16 — 7 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$40.70*	*$43.65*	*$46.85*	*$48.30*	*$51.45*
3/4 Russia, Printed Page	*45.45*	*48.40*	*51.60*	*53.05*	*56.20*
Full Russia, Printed Head	*47.00*	*49.95*	*53.15*	*55.05*	*57.80*
Full Russia, Printed Page	*51.75*	*54.70*	*57.90*	*59.80*	*62.55*

Add for Folio Printed Head $5.50.
Add for Folio Printed Page $10.25.
Add for each Printed Guide Line $1.00.
Add for Index Ruled $4.35.
Add for Index through book $1.65.

SIZE 11½ x 18 — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$44.35*	*$47.35*	*$50.60*	*$52.35*	*$55.30*
3/4 Russia, Printed Page	*50.10*	*53.10*	*56.35*	*58.10*	*61.05*
Full Russia, Printed Head	*50.40*	*53.35*	*56.50*	*58.40*	*61.10*
Full Russia, Printed Page	*56.15*	*59.10*	*62.25*	*64.15*	*66.85*

Add for Folio Printed Head *$5.75.*
Add for Folio Printed Page *$11.50.*
Add for each Printed Guide Line $1.00.
Add for Index Ruled $4.35.
Add for Index through Book $1.75.

SIZE 12 x 19 *or 14 x 17* — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$45.55*	*$48.60*	*$51.85*	*$53.60*	*$56.60*
3/4 Russia, Printed Page	*52.05*	*55.10*	*58.35*	*60.10*	*63.10*
Full Russia, Printed Head	51.65	54.75	58.00	59.95	62.75
Full Russia, Printed Page	*58.15*	*61.25*	*64.50*	*66.45*	*69.25*

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Add for Folio Printed Head *$6.00.*
Add for Folio Printed Page *$12.50.*
Add for each Printed Guide Line $1.00.
Add for Index Ruled $4.35.
Add for Index through Book $1.75.

Bound books.

SIZE 14 x 8½ — 5 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$37.30*	*$40.20*	*$43.60*	*$45.25*	*$48.15*
3/4 Russia, Printed Page	*44.05*	*46.95*	*50.35*	*52.00*	*54.80*
Full Russia, Printed Head	*42.20*	*45.05*	*48.40*	*50.15*	*52.85*
Full Russia, Printed Page	*48.95*	*51.80*	*55.15*	*56.90*	*59.60*

Add for Folio Printed Head *$4.25.*
Add for Folio Printed Page *$11.25.*
Add for each Printed Guide Line $1.00.
Add for Index Ruled $4.35.
Add for Index through Book $1.65.

SIZE 14 x 20 — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$47.65*	*$50.85*	*$54.55*	*$56.15*	*$59.60*
3/4 Russia, Printed Page	*55.15*	*58.35*	*62.05*	*63.65*	*67.10*
Full Russia, Printed Head	*54.80*	*57.90*	*61.50*	*63.50*	*66.40*
Full Russia, Printed Page	*62.25*	*65.40*	*69.00*	*71.00*	*73.90*

Add for Folio Printed Head *$6.25.*
Add for Folio Printed Page *$13.75.*
Add for each Printed Guide Line *$1.25.*
Add for Index Ruled $4.60.
Add for Index through Book $1.75.

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Bound books.

SIZE 16 x 10½ — 5 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$41.45*	*$45.30*	*$49.65*	*$51.55*	*$53.35*
3/4 Russia, Printed Page	*49.00*	*52.85*	*57.20*	*59.10*	*62.90*
Full Russia, Printed Head	*47.70*	*51.50*	*55.80*	*58.40*	*61.50*
Full Russia, Printed Page	*55.20*	*59.00*	*63.30*	*65.90*	*69.00*

Add for Folio Printed Head *$5.25.*
Add for Folio Printed Page *$12.75.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.60.
Add for Index through Book $1.75.

SIZE 16 x 21 — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$55.75*	*$60.75*	*$66.25*	*$68.75*	*$74.25*
3/4 Russia, Printed Page	*64.75*	*69.75*	*75.25*	*77.75*	*83.25*
Full Russia, Printed Head	*64.40*	*69.35*	*74.80*	*78.75*	*82.70*
Full Russia, Printed Page	*73.40*	*78.35*	*83.80*	*87.75*	*91.70*

Add for Folio Printed Head *$6.50.*
Add for Folio Printed Page *$15.50.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.85.
Add for Index through Book $1.85.

SIZE 17 x 14 or 19 x 12 — 6 UNIT COLUMNS TO PAGE
Extra Unit Column 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$45.35*	*$49.25*	*$53.65*	*$55.60*	*$60.00*
3/4 Russia, Printed Page	*54.35*	*58.25*	*62.65*	*64.60*	*69.00*
Full Russia, Printed Head	*51.40*	*55.30*	*59.70*	*62.90*	*66.05*
Full Russia, Printed Page	*60.10*	*61.40*	*68.70*	*71.90*	*75.05*

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Add for Folio Printed Head *$5.75.*
Add for Folio Printed Page *$14.75.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.60.
Add for Index through Book $1.75.

Bound books.

SIZE 17 x 28 — 10 UNIT COLUMNS TO PAGE
Extra Unit Column 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$66.75*	*$72.15*	*$78.05*	*$80.75*	*$86.60*
3/4 Russia, Printed Page	*77.75*	*83.15*	*89.05*	*91.75*	*97.60*
Full Russia, Printed Head	*76.20*	*81.60*	*87.50*	*91.80*	*96.10*
Full Russia, Printed Page	*87.20*	*92.60*	*98.50*	*102.80*	*107.10*

Add for Folio Printed Head *$7.00.*
Add for Folio Printed Page *$18.00.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.85.
Add for Index through Book $2.00.

SIZE 18 x 11½ — 5 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$44.45*	*$48.35*	*$52.75*	*$54.45*	*$59.05*
3/4 Russia, Printed Page	*53.20*	*57.10*	*61.50*	*63.20*	*67.80*
Full Russia, Printed Head	*50.35*	*54.20*	*58.50*	*61.60*	*64.70*
Full Russia, Printed Page	*59.10*	*62.95*	*67.25*	*70.35*	*73.45*

Add for Folio Printed Head *$5.50.*
Add for Folio Printed Page *$14.25.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.60.
Add for Index through Book $1.65.

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Bound books.

SIZE 18 x 23 — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$60.40*	*$65.50*	*$71.10*	*$73.65*	*$79.25*
3/4 Russia, Printed Page	*71.00*	*76.10*	*81.70*	*84.25*	*89.85*
Full Russia, Printed Head	*69.90*	*75.00*	*80.60*	*84.65*	*88.65*
Full Russia, Printed Page	*80.50*	*85.60*	*91.20*	*95.25*	*99.25*

Add for Folio Printed Head *$6.75.*
Add for Folio Printed Page *$17.25.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.85.
Add for Index through Book $1.90.

SIZE 19 x 24 — 8 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$62.75*	*$67.90*	*$73.55*	*$76.10*	*$81.70*
3/4 Russia, Printed Page	*74.00*	*79.15*	*84.80*	*87.35*	*92.95*
Full Russia, Printed Head	*72.25*	*77.45*	*84.10*	*88.20*	*91.30*
Full Russia, Printed Page	*83.50*	*88.70*	*94.35*	*98.45*	*102.55*

Add for Folio Printed Head *$7.25.*
Add for Folio Printed Page *$18.50.*
Add for each Printed Guide Line $1.25.
Add for Index Ruled $4.85.
Add for Index through Book $2.00.

SIZE 21 x 16 — 7 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$53.45*	*$58.35*	*$63.75*	*$66.20*	*$71.60*
3/4 Russia, Printed Page	*64.20*	*69.10*	*74.50*	*76.95*	*82.35*
Full Russia, Printed Head	*$62.05*	*$66.85*	*$72.15*	*$76.00*	*$79.85*
Full Russia, Printed Page	*72.75*	*77.60*	*82.90*	*86.75*	*90.60*

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Add for Folio Printed Head $6.25.
Add for Folio Printed Page $17.00.
Add for each Printed Guide Line $1.25.
Add for Index Ruled $5.10.
Add for Index through Book $1.55.

Bound books.

SIZE 28 x 17 — 7 UNIT COLUMNS TO PAGE
Extra Unit Columns 50 cents each

No. Pages	300	400	500	560	640
3/4 Russia, Printed Head	*$61.15*	*$66.25*	*$72.10*	*$74.10*	*$79.60*
3/4 Russia, Printed Page	*76.15*	*81.25*	*87.10*	*89.10*	*94.60*
Full Russia, Printed Head	*70.60*	*75.75*	*81.60*	*83.90*	*89.65*
Full Russia, Printed Page	*85.60*	*90.75*	*96.60*	*98.90*	*104.65*

Add for Folio Printed Head $6.50.
Add for Folio Printed Page $21.50.
Add for each Printed Guide Line $1.25.
Add for Index Ruled $5.35.
Add for Index through Book $2.00."

Section 10. That Section 14 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

Sec. 14, Ch. 118, Laws of 1937 amended.

"Section 14. **Size 18 x 11½ Record Books Only.**

Loose Leaf Style with Binder.

Marginal Record Ruled Stock Form Grade *60*, 36 Sub.	No. Pages 560	640
Full Russia Stock Ruled not printed	*$44.10*	*$46.85*
Full Russia Printed Head	*51.60*	*54.70*
Full Russia Printed Page	*60.35*	*63.45*

Record books only.

Add for Folio Printed Head *$2.50.*
Add for Folio Printed Page *$14.25.*
Add for A-Z Index *$1.60.*

Loose Leaf Record Binders only, Full Russia, Letter with back titled 7 or 8 Quire Capacity, each ..... *$33.50*"

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Sec. 15, Ch. 118, Laws of 1937 amended.

Section 11. That Section 15 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

"Section 15. **County and School Warrants.**

County and school warrants.

	500	1000	Add'l. 1000
Warrants with stub, size 4x14" on Grade 27 Bond or Safety Paper, either single or more on a sheet, *fund and number in black or different color ink*, bound in cardboard covers, *or punched for binder*	*$21.05*	*$25.50*	$ 7.00

	500	1000	Add'l. 1000
School Warrants in Triplicate, size 4 x 9 *3/4*, Grade 27, 16 Sub. on original and Grade 12, 16 Sub. Duplicate triplicate. Duplicate and triplicate printed in black and red ink; original black only. Original and duplicate perforated. Bound 50 sets to book	*$16.60*	*$23.15*	$10.55
County Warrants in Duplicate or fold-over style, three or more on a sheet, punched for loose leaf binder, perforated, numbered, gathered, Grade 27 Bond or Safety Paper	21.50	37.50	25.00
For binding Warrants in Duplicate or fold-over style, check binding, 1 book of 1000 Warrants			2.50
Half binding 1 book of 1000 Warrants			4.50"

Sec. 16, Ch. 118 Laws of 1937 amended.

Section 12. That Section 16 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

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"Section 16. **Election Supplies and Ballots.**

Election supplies and ballots.

Tally Books for Primary or General Election, each			$ 1.25
Tally Books for Judicial Candidates, Primary Elections, each			.50
Poll Books Primary or General Election, each			1.25
Envelopes for Poll Books, 10 x 15 inches, each			.25
Envelopes for Tally Sheets, 10 x 15 inches, each			.25
Envelopes for Voted Ballots, 15 x 18 inches, each			.45
Envelopes for Unused Ballots, 15 x 18 inches, each			.45
Envelopes for Return of Election Books, 17 x 22 inches, each			.45
Envelopes for Precinct Registers, 17 x 22 inches, each			.45
Envelopes for Election Returns, 9½ x 4⅛ inches, each			.10
Envelopes for Absent Voter Sent Out or Return, 6½ x 9½ or 6 x 9 inches		200	12.00
		Additional 100	3.50
Envelopes for Absent Voter Return Ballots to Judges of Election, 10 x 15 inches, each			.25
Absent Voter Record Sheets, size 11 x 21, Fold-over		100	$ 6.50
		Additional 100	4.50
Official Seals 6½ x 5 inches, printed on gummed paper		250	3.50
		500	5.75
Certificates of Election, with stub, Size 11 x 17, Check Bound		50	7.50
		100	11.25
			Add'l.
		1000	1000
Precinct Register Sheets, 8½ x 14, Special ruled and printed, both sides, punched, Grade 17, 20 Sub. Bond Paper		$42.00	$14.75
Precinct Register Sheets, 14 x 17, Special ruled and printed, both sides, punched, Grade 17, 20 Sub. Bond Paper		60.25	17.75
Covers for Precinct Register, 8½ x 14, 125 Tagboard, front and back cover printed and punched, per 30 Sets			6.50
Each Additional 10 Sets			1.00

Precinct registers.

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Covers for Precinct Register, 14 x 17, 125 Tagboard, front and back cover printed and punched, per 30 Sets		8.50
Each Additional 10 Sets		1.30
Instructions to Voters, 14 x 22 on 100 lb. Tagboard	100	20.00
Additional 100		5.00

List of Electors 7c per name. This price includes printing up to 100 copies of each precinct list on Grade 17, 20 lb. Bond paper.

BALLOTS	1000	Add'l. 1000
Ballots. Ballots Primary Election, complete, including numbering, perforating, assembling, rotating and stitching per party	$45.00	$35.00
Ballots for Judicial candidates, complete, including numbering, perforating and rotating	15.00	9.00
Ballots, Initiative and Referendum, Constitutional Amendment, complete, including perforating	10.00	6.00
Ballots General Election, complete, including numbering and perforating	65.00	35.00
Where Constitutional Amendments, Initiative and Referendum Measures appear on General Election Ballot	7.00	*2.00*''

Sec. 17, Ch. 118, Laws of 1937 amended.

Section 13. That Section 17 of Chapter 118, of the Laws of the twenty-fifth legislative assembly, be, and the same is hereby amended to read as follows:

''Section 17. **Stock Forms Without County Name.**

Stock forms without county name. Budget Form C B 2 — per 100	$ 5.25	
Budget Form C B 3 — per 100	5.25	
Budget Form C B 4 — per 100	5.25	
Budget Form C B 5 — per 100	6.75	
Budget Form C B 6 — per 100	6.75	
Budget Form C B 7 — per 100	*14.00*	
Justice Docket, size 320 page, each		$18.00
Report of Justice Fees Received, Size 14 x 17, Ruled and Printed one side, per 100		6.00

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Teachers' Register, *each, 4W 35c, 6W 55c. 6W with report*			.75	
District School Budget Applications, Form 1		100	4.00	Stock forms without county names.
	Additional	100	3.00	
High School Budget Application Sheets		100	5.00	
	Additional	100	4.00	
District School Budget Record Sheets, Ruled and Printed one side, Size 13¾ x 21¾		100	4.50	
	Additional	100	4.00	
School Census Reports	per	250	5.00	
	per	500	9.00	
Teachers' Contracts	per	50	3.00	
	per	100	4.50	
Trustees' Annual Reports	per	50	5.00	
	per	100	9.00	
Teachers' Reports	per	250	6.00	
	per	500	9.75	
Superintendent's or Principal's Reports	per	100	4.00	
	Additional	100	3.50"	

Section 14. That all acts and parts of acts in conflict herewith will hereby be repealed. Repealing clause.

Section 15. That this act shall be in full force and effect from and after the date of its passage and approval. Effective date.

Approved March 8, 1947.

CHAPTER 251

An Act to Make Uniform the Law Relating to Partnerships; Defining Terms Used in Act, Rules of Construction and Rules for Determining Existence of Partnership; Prescribing Rights, Remedies and Liabilities in Relations of Partners to Persons Dealing With Partnership and in Relations of Partners to One Another; Defining the Property Rights of Partners; and Providing for the Dissolution and Winding Up Partnerships, and Repealing Sections 7981 to 8018 Inclusive, of the Revised Codes of Montana, 1935, and All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Part 1—Preliminary Provisions

Name of act.

Section 1. **Name of Act.** This act may be cited as uniform partnership act.

Definitions of terms.

Section 2. **Definition of Terms.** In this act, "court" includes every court and judge having jurisdiction in the case.

"Business."

"Business" includes every trade, occupation, or profession.

"Person."

"Person" includes individuals, partnerships, corporations, and other associations.

"Bankrupt."

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act.

"Conveyance."

"Conveyance" includes every assignment, lease, mortgage, or encumbrance.

"Real property."

"Real property" includes land and any interest or estate in land.

Section 3. **Interpretation of Knowledge and Notice.**

"Knowledge" —interpretation of.

(1) A person has "knowledge" of a fact within the meaning of this act not only when he has actual knowledge thereof, but also when he has knowledge of such other facts as in the circumstances shows bad faith.

"Notice" interpretation of.

(2) A person has "notice" of a fact within the meaning of this act when the person who claims the benefit of the notice:

(a) States the fact to such person, or

(b) Delivers through the mail, or by other means of communication, a written statement of the fact to such person or to a proper person at his place of business or residence.

Section 4. **Rules of Construction.**

Rules of construction.

(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(2) The law of estopel shall apply under this act.

(3) The law of agency shall apply under this act.

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(4) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

Existing obligations and right not affected.

(5) This act shall not be construed so as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action or proceedings begun or right accrued before this act takes effect.

Rules for cases not provided for in this act.

Section 5. **Rules for Cases Not Provided for in This Act.** In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

Nature of partnership.

Part II—Nature of a Partnership

Section 6. **Partnership Defined.**

Partnership defined.

(1) A partnership is an association of two (2) or more persons to carry on as co-owners a business for profit.

Associations formed under other statutes or authority.

(2) But any association formed under any other statute of this state, or any statute adopted by authority, other than the authority of this state, is not a partnership under this act, unless such association would have been a partnership in this state prior to the adoption of this act; but this act shall apply to limited partnerships except insofar as the statutes relating to such partnerships are inconsistent herewith.

Limited partnerships.

Rules for determining the existence of a partnership.

Section 7. **Rules for Determining the Existence of a Partnership.** In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by Section 16 persons who are not partners as to each other are not partners as to third persons.

Other relationships, not partnership.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

Sharing returns.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

Sharing profits as prima facie evidence.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner

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in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise,

(b) As wages of an employee or rent to a landlord,

(c) As an annuity to a widow or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business.

(e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

Section 8. **Partnership Property.**

Partnership property.

(1) All property originally brought into the partnership stock or subsequently acquired by purchase or otherwise, on account of the partnership, is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

Conveyance to partnership.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

Relations of partners to persons dealing with the partnership.

Part III—**Relations of Partners to Persons Dealing With the Partnership.**

Section 9. **Partner Agent of Partnership as to Partnership Business.**

Partner agent of partnership as to partnership business.

(1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the partnership, unless the partner so acting has in fact no authority to act for the partnership in the particular matter, and the person with whom he is dealing has knowledge of the fact that he has no such authority.

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Act of partner not apparently for partnership business.

(2) An act of a partner which is not apparently for the carrying on of the business of the partnership in the usual way does not bind the partnership unless authorized by the other partners.

Authorization by all partners necessary for certain purposes.

(3) Unless authorized by the other partners or unless they have abandoned the business, one or more but less than all the partners have no authority to:

(a) Assign the partnership property in trust for creditors or on the assignee's promise to pay the debts of the partnership,

(b) Dispose of the good will of the business,

(c) Do any other act which would make it impossible to carry on the ordinary business of a partnership,

(d) Confess a judgment,

(e) Submit a partnership claim or liability to arbitration or reference.

Restriction on authority of partner.

(4) No act of a partner in contravention of a restriction on authority shall bind the partnership to persons having knowledge of the restriction.

Section 10. **Conveyance of Real Property of the Partnership.**

Conveyance of real property of partnership.

(1) Where title to real property is in the partnership name, any partner may convey title to such property by a conveyance executed in the partnership name; but the partnership may recover such property unless the partner's act binds the partnership under the provisions of paragraph (1) of Section 9 or unless such property has been conveyed by the grantee or a person claiming through such grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded his authority.

Conveyance of real property executed by a partner.

(2) Where title to real property is in the name of the partnership, a conveyance executed by a partner, in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

Title to real property in the name of less than all partners, conveyance of.

(3) Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to such

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property, but the partnership may recover such property if the partner's act does not bind the partnership under the provisions of paragraph (1) of Section 9, unless the purchaser or his assignee, is a holder for value, without knowledge.

Title in name of less than all partners or in a trustee, conveyance of.

(4) Where the title to real property is in the name of one or more or all the partners, or in a third person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in his own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the provisions of paragraph (1) of Section 9.

Title in the names of all partners, conveyance of.

(5) Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in such property.

Partnership bound by admission of partner.

Section 11. **Partnership Bound by Admission of Partner.** An admission or representation made by any partner concerning partnership affairs within the scope of his authority as conferred by this act is evidence against the partnership.

Partnership charged with knowledge of or notice to partner.

Section 12. **Partnership Charged With Knowledge of or Notice to Partner.** Notice to any partner of any matter relating to partnership affairs, and the knowledge of the partner acting in the particular matter, acquired while a partner or then present to his mind, and the knowledge of any other partner who reasonably could and should have communicated it to the acting partner, operate as notice to or knowledge of the partnership, except in the case of a fraud on the partnership committed by or with the consent of that partner.

Partnership bound by partner's wrongful act.

Section 13. **Partnership Bound by Partner's Wrongful Act.** Where, by any wrongful act or omission of any partner acting in the ordinary course of the business of the partnership or with the authority of his co-partners, loss or injury is caused to any person, not being a partner in the partnership, or any penalty is incurred, the partnership is liable therefor to the same extent as the partner so acting or omitting to act.

Section 14. **Partnership Bound by Partner's Breach of Trust.** The partnership is bound to make good the loss:

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Partnership bound by partner's breach of trust.

(a) Where one partner acting within the scope of his apparent authority receives money or property of a third person and mis-applies it; and

(b) Where the partnership in the course of its business receives money or property of a third person and the money or property so received is mis-applied by any partner while it is in the custody of the partnership.

Nature of partner's liability.

Section 15. **Nature of Partner's Liability.** All partners are liable:

(a) Jointly and severally for everything chargeable to the partnership under Sections 13 and 14.

(b) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

Section 16. **Partner by Estoppel.**

Partner by estoppel, liability of.

(1) When a person, by words spoken or written or by conduct, represents himself, or consents to another representing him to any one, as a partner in an existing partnership or with one or more persons not actual partners, he is liable to any such person to whom such representation has been made, who has, on the faith of such representation, given credit to the actual or apparent partnership, and if he has made such representation or consented to its being made in a public manner he is liable to such person, whether the representation has or has not been made or communicated to such person so giving credit by or with the knowledge of the apparent partner making the representation or consenting to its being made:

(a) When a partnership liability results, he is liable as though he were an actual member of the partnership.

(b) When no partnership liability results, he is liable jointly with the other persons, if any, so consenting to the contract or representation as to incur liability, otherwise separately.

(2) When a person has been thus represented to be a partner in an existing partnership, or with one or more persons not actual partners, he is an agent of the persons consenting to such representation to bind them to the same extent and in the same manner as though he

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were a partner in fact, with respect to persons who rely upon the representation. Where all the members of the existing partnership consent to the representation, a partnership act or obligation results; but in all other cases it is the joint act or obligation of the person acting and the persons consenting to the representation.

Liability of incoming partner.

Section 17. **Liability of Incoming Partner.** A person admitted as a partner into an existing partnership is liable for all the obligations of the partnership arising before his admission as though he had been a partner when such obligations were incurred, except that this liability shall be satisfied only out of partnership property.

Relation of partners to one another.

Part IV.—Relations of Partners to One Another

Rules determining rights and duties of partners.

Section 18. **Rules Determining Rights and Duties of Partners.** The rights and duties of the partners in relation to the partnership shall be determined, subject to any agreement between them, by the following rules:

Contributions receivable and payable.

(a) Each partner shall be repaid his contributions, whether by way of capital or advances to the partnership property and share equally in the profits and surplus remaining after all liabilities, including those to partners, are satisfied; and must contribute towards the losses, whether of capital or otherwise, sustained by the partnership according to his share in the profits.

Indemnification of partner by partnership.

(b) The partnership must indemnify every partner in respect of payments made and personal liabilities reasonably incurred by him in the ordinary and proper conduct of its business, or for the preservation of its business or property.

Interest payable to partner, when.

(c) A partner, who in aid of the partnership, makes any payment or advance beyond the amount of capital which he agreed to contribute, shall be paid interest from the date of the payment or advance.

Interest receivable from what date.

(d) A partner shall receive interest on the capital contributed by him only from the date when repayment should be made.

Management of business.

(e) All partners have equal rights in the management and conduct of the partnership business.

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Remuneration for acting in partnership business.

(f) No partner is entitled to remuneration for acting in the partnership business, except that a surviving partner is entitled to reasonable compensation for his services in winding up the partnership affairs.

(g) No person can become a member of a partnership without the consent of all the partners.

Differences as to business matters, how decided.

(h) Any difference arising as to ordinary matters connected with the partnership business may be decided by a majority of the partners; but no act in contravention of any agreement between the partners may be done rightfully without the consent of all the partners.

Partnership books.

Section 19. **Partnership Books.** The partnership books shall be kept, subject to any agreement between the partners, at the principal place of business of the partnership, and every partner shall at all times have access to and may inspect and copy any of them.

Duties of partners to render information.

Section 20. **Duty of Partners to Render Information.** Partners shall render on demand true and full information of all things affecting the partnership to any partner or the legal representative of any deceased partner or partner under legal disability.

Section 21. **Partner Accountable as a Fiduciary.**

Partner accountable as a fiduciary.

(1) Every partner must account to the partnership for any benefit, and hold as trustee for it any profits derived by him without the consent of the other partners from any transaction connected with the formation, conduct, or liquidation of the partnership or from any use by him of its property.

Application of this section.

(2) This section applies also to the representatives of a deceased partner engaged in the liquidation of the affairs of the partnership as the personal representatives of the last surviving partner.

Right to an account.

Section 22. **Right to an Account.** Any partner shall have the right to a formal account as to partnership affairs:

(a) If he is wrongfully excluded from the partnership business or possession of its property by his co-partners.

(b) If the right exists under the terms of any agreement,

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(c) As provided by Section 21,

(d) Whenever other circumstances render it just and reasonable.

Section 23. **Continuation of Partnership Beyond Fixed Term.**

Continuation of partnership beyond fixed term.

(1) When a partnership for a fixed term or particular undertaking is continued after the termination of such term or particular undertaking without any express agreement, the rights and duties of the partners remain the same as they were at such termination, so far as is consistent with a partnership at will.

Prima facie evidence of continuation of partnership.

(2) A continuation of the business by the partners or such of them as habitually acted therein during the term, without any settlement or liquidation of the partnership affairs, is prima facie evidence of a continuation of the partnership.

Property rights of a partner.

Part V—**Property Rights of a Partner**

Section 24. **Extent of Property Rights of a Partner.**

Extent of property rights of a partner.

The property rights of a partner are (1) his rights in specific partnership property, (2) his interest in the partnership, and (3) his right to participate in the management.

Section 25. **Nature of a Partner's Right in Specific Partnership Property.**

Nature of a partner's right in specific partnership property

(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

Possession of specific partnership property.

(a) A partner, subject to the provisions of this act and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

Assignability of partner's right in specific property.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

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Attachment of partner's right in specific property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

Right in specific property, upon death of partner.

(d) On the death of a partner his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, courtesy, or allowances to widows, heirs, or next of kin.

Nature of partner's interest in the partnership.

Section 26. **Nature of Partner's Interest in the Partnership.** A partner's interest in the partnership is his share of the profits and surplus, and the same is personal property.

Assignment of partner's interest.

Section 27. **Assignment of Partner's Interest.** A conveyance by a partner of his interest in the partnership does not of itself dissolve the partnership, nor, as against the other partners in the absence of agreement, entitle the assignee, during the continuance of the partnership to interfere in the management or administration of the partnership business or affairs, or to require any information or account of partnership transactions, or to inspect the partnership books; but it merely entitles the assignee to receive in accordance with his contract the profits to which the assigning partner would otherwise be entitled.

Right of assignee in case of dissolution of partnership.

(2) In case of a dissolution of the partnership, the assignee is entitled to receive his assignor's interest and may require an account from the date only of the last account agreed to by all the partners.

Partner's interest subject to charging order of court.

Section 28. **Partner's Interest Subject to Charging Order.** (1) On due application to a competent court by any judgment creditor of a partner, the court which entered the judgment, order, or decree, or any other court, may charge the interest of the debtor partner with pay-

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ment of the unsatisfied amount of such judgment debt with interest thereon; and may then or later appoint a receiver of his share of the profits, and of any other money due or to fall due to him in respect of the partnership, and make all other orders, directions, accounts and inquiries which the debtor partner might have made, or which the circumstances of the case may require.

Redemption or purchase of interest charged.

(2) The interest charged may be redeemed at any time before foreclosure, or in case of a sale being directed by the court may be purchased without thereby causing a dissolution:

(a) With separate property, by any one or more of the partners, or

(b) With partnership property, by any one or more of the partners with the consent of all the partners whose interests are not so charged or sold.

Right of exemption.

(3) Nothing in this act shall be held to deprive a partner of his right, if any, under the exemption laws, as regards his interest in the partnership.

Dissolution and winding up.

Part VI—Dissolution and Winding Up.

Dissolution defined.

Section 29. **Dissolution Defined.** The dissolution of a partnership is the change in the relation of the partners caused by any partner ceasing to be associated in the carrying on as distinguished from the winding up of the business.

Partnership not terminated by dissolution.

Section 30. **Partnership Not Terminated by Dissolution.** On dissolution the partnership is not terminated, but continues until the winding up of partnership affairs is completed.

Section 31. **Causes of Dissolution.** Dissolution is caused:

Causes of dissolution.

(1) Without violation of the agreement between the partners:

(a) By the termination of the definite term or particular undertaking specified in the agreement,

(b) By the express will of any partner when no definite term or particular undertaking is specified,

(c) By the express will of all the partners who have not assigned their interests or suffered them to be

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charged for their separate debts, either before or after the termination of any specified term or particular undertaking,

(d) By the expulsion of any partner from the business bona fide in accordance with such a power conferred by the agreement between the partners;

(2) In contravention of the agreement between the partners, where the circumstances do not permit a dissolution under any other provision of this section, by the express will of any partner at any time;

(3) By any event which makes it unlawful for the business of the partnership to be carried on or for the members to carry it on in partnership;

(4) By the death of any partner;

(5) By the bankruptcy of any partner or the partnership;

(6) By decree of court under Section 32.

Section 32. **Dissolution by Decree of Court.**

Dissolution by decree of court.

(1) On application by or for a partner the court shall decree a dissolution whenever:

Grounds for dissolution.

(a) A partner has been declared a lunatic in any judicial proceeding or is shown to be of unsound mind,

(b) A partner becomes in any other way incapable of performing his part of the partnership contract,

(c) A partner has been guilty of such conduct as tends to affect prejudicially the carrying on of the business,

(d) A partner wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable to carry on the business in partnership with him,

(e) The business of the partnership can only be carried on at a loss,

(f) Other circumstances render a dissolution equitable.

(2) On the application of the purchaser of a partner's interest under Sections 27 or 28:

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(a) After the termination of the specified term or particular undertaking,

(b) At any time if the partnership was a partnership at will when the interest was assigned or when the charging order was issued.

General effect of dissolution on authority of partner.

Section 33. **General Effect of Dissolution on Authority of Partner.** Except so far as may be necessary to wind up partnership affairs or to complete transactions begun but not then finished, dissolution terminates all authority of any partner to act for the partnership,

(1) With respect to the partners,

(a) When the dissolution is not by the act, bankruptcy or death of a partner; or

(b) When the dissolution is by such act, bankruptcy or death of a partner, in cases where Section 34 so requires.

(2) With respect to persons not partners, as declared in Section 35.

Right of partner to contribution from co-partners after dissolution.

Section 34. **Right of Partner to Contribution From Co-partners After Dissolution.** Where the dissolution is caused by the act, death or bankruptcy of a partner, each partner is liable to his co-partners for his share of any liability created by any partner acting for the partnership as if the partnership had not been dissolved unless:

(a) The dissolution being by act of any partner, the partner acting for the partnership had knowledge of the dissolution, or

(b) The dissolution being by the death or bankruptcy of a partner, the partner acting for the partnership had knowledge or notice of the death or bankruptcy.

Power of partner to bind partnership to third persons after dissolution.

Section 35. **Power of Partner to Bind Partnership to Third Persons After Dissolution.**

(1) After dissolution a partner can bind the partnership except as provided in paragraph (3)

(a) By any act appropriate for winding up partnership affairs or completing transactions unfinished at dissolution;

(b) By any transaction which would bind the part-

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nership if dissolution had not taken place, provided the other party to the transaction:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of the dissolution; or

(II) Though he had not so extended credit, had nevertheless known of the partnership prior to dissolution, and, having no knowledge or notice of dissolution, the fact of dissolution had not been advertised in a newspaper of general circulation in the place (or in each place if more than one) at which the partnership business was regularly carried on.

Liability of partner under paragaph (1b), how satisfied.

(2) The liability of a partner under paragraph (1b) shall be satisfied out of partnership assets alone when such partner had been prior to dissolution:

(a) Unknown as a partner to the person with whom the contract is made; and

(b) So far unknown and inactive in partnership affairs that the business reputation of the partnership could not be said to have been in any degree due to his connection with it.

Partnership not bound by act of partner after dissolution, in what cases.

(3) The partnership is in no case bound by any act of a partner after dissolution:

(a) Where the partnership is dissolved because it is unlawful to carry on the business, unless the act is appropriate for winding up partnership affairs; or

(b) Where the partner has become bankrupt; or

(c) Where the partner has no authority to wind up partnership affairs; except by a transaction with one who:

(I) Had extended credit to the partnership prior to dissolution and had no knowledge or notice of his want of authority; or

(II) Had not extended credit to the partnership prior to dissolution, and, having no knowledge or notice of his want of authority, the fact of his want of authority has not been advertised in the manner provided for advertising the fact of dissolution in paragraph (1b-II).

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This section not to affect certain liability under section 16.

(4) Nothing in this section shall affect the liability under Section 16 of any person who after dissolution represents himself or consents to another representing him as a partner in a partnership engaged in carrying on business.

Effect of dissolution on partner's existing liability.

Section 36. **Effect of Dissolution on Partner's Existing Liability.**

Existing liability of partner not discharged.

(1) The dissolution of the partnership does not of itself discharge the existing liability of any partner.

Discharge of existing liability of partner by agreement.

(2) A partner is discharged from any existing liability upon dissolution of the partnership by an agreement to that effect between himself, the partnership creditor and the person or partnership continuing the business; and such agreement may be inferred from the course of dealing between the creditor having knowledge of the dissolution and the person or partnership continuing the business.

Assumption of obligations of partnership by agreement.

(3) Where a person agrees to assume the existing obligations of a dissolved partnership, the partners whose obligations have been assumed shall be discharged from any liability to any creditor of the partnership who, knowing of the agreement, consents to a material alteration in the nature or time of payment of such obligations.

Liability of individual property of deceased partner.

(4) The individual property of a deceased partner shall be liable for all obligations of the partnership incurred while he was a partner but subject to the prior payment of his separate debts.

Right to wind up.

Section 37. **Right to Wind Up.** Unless otherwise agreed the partners who have not wrongfully dissolved the partnership or the legal representative of the last surviving partner, not bankrupt, has the right to wind up the partnership affairs; provided, however, that any partner, his legal representative or his assignee, upon cause shown, may obtain winding up by the court.

Section 38. **Rights of Partners to Application of Partnership Property.**

Rights of partners to application of partnership property.

(1) When dissolution is caused in any way, except in contravention of the partnership agreement, each partner as against his co-partners and all persons claiming through them in respect of their interests in the partnership, unless otherwise agreed, may have the partner-

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ship property applied to discharge its liabilities, and the surplus applied to pay in cash the net amount owing to the respective partners. But if dissolution is caused by expulsion of a partner, bona fide under the partnership agreement and if the expelled partner is discharged from all partnership liabilities, either by payment or agreement under Section 36 (2), he shall receive in cash only the net amount due him from the partnership.

Dissolution in contravention of agreement, rights of partners.

(2) When dissolution is caused in contravention of the partnership agreement the rights of the partners shall be as follows:

(a) Each partner who has not caused dissolution wrongfully shall have:

(I) All the rights specified in paragraph (1) of this section, and

(II) The right, as against each partner who has caused the dissolution wrongfully, to damages for breach of the agreement.

Rights of partners who have not wrongfully caused dissolution.

(b) The partners who have not caused the dissolution wrongfully, if they all desire to continue the business in the same name, either by themselves or jointly with others, may do so, during the agreed term for the partnership and for that purpose may possess the partnership property, provided they secure the payment by bond approved by the court, or pay to any partner who has caused the dissolution wrongfully, the value of his interest in the partnership at the dissolution, less any damages recoverable under clause (2a-II) of the section, and in like manner indemnify him against all present or future partnership liabilities.

Rights of partner who has wrongfully caused dissolution.

(c) A partner who has caused the dissolution wrongfully shall have:

(I) If the business is not continued under the provisions of paragraph (2b) all the rights of a partner under paragraph (1), subject to clause (2a-II), of this section,

(II) If the business is continued under paragraph (2b) of this section the right as against his co-partners and all claiming through them in respect of their interests in the partnership, to have the value of his interest in

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the partnership, less any damages caused to his co-partners by the dissolution, ascertained and paid him in cash, or the payment secured by bond approved by the court, and to be released from all existing liabilities of the partnership; but in ascertaining the value of the partner's interest the value of the good-will of the business shall not be considered.

Rights where partnership is dissolved for fraud or misrepresentation.

Section 39. **Rights Where Partnership Is Dissolved for Fraud or Misrepresentation.** Where a partnership contract is rescinded on the ground of the fraud or misrepresentation of one (1) of the parties thereto, the party entitled to rescind is, without prejudice to any other right, entitled:

Lien on, or retention of partnership surplus.

(a) To a lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third persons for any sum of money paid by him for the purchase of an interest in the partnership and for any capital or advances contributed by him; and

To stand in place of creditors.

(b) To stand, after all liabilities to third persons have been satisfied, in the place of the creditors of the partnership for any payments made by him in respect to the partnership liabilities; and

To be indemnified.

(c) To be indemnified by the person guilty of the fraud or making the representation against all debts and liabilities of the partnership.

Rules for distribution.

Section 40. **Rules for Distribution.** In settling accounts between the partners after dissolution, the following rules shall be observed, subject to any agreement to the contrary:

What are the assets of the partnership.

(a) The assets of the partnership are:

(I) The partnership property,

(II) The contributions of the partners necessary for the payment of all the liabilities specified in clause (b) of this paragraph.

Rank of partnership liabilities.

(b) The liabilities of the partnership shall rank in order of payment, as follows:

(I) Those owing to creditors other than partners,

(II) Those owing to partners other than for capital and profits,

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(III) Those owing to partners in respect of capital,

(IV) Those owing to partners in respect of profits.

Application of assets.

(c) The assets shall be applied in the order of their declaration in clause (a) of this paragraph to the satisfaction of the liabilities.

Contribution by partners.

(d) The partners shall contribute, as provided by Section 18 (a) the amount necessary to satisfy the liabilities; but if any, but not all, of the partners are insolvent, or not being subject to process, refuse to contribute, the other partners shall contribute their share of the liabilities, and, in the relative proportions in which they share the profits the additional amount necessary to pay the liabilities,

Right of assignee for benefit of creditors.

(e) An assignee for the benefit of creditors or any person appointed by the court shall have the right to enforce the contributions specified in clause (d) of this paragraph.

Partner may enforce contributions.

(f) Any partner or his legal representative shall have the right to enforce the contributions specified in clause (d) of this paragraph, to the extent of the amount which he has paid in excess of his share of the liability.

Liability of individual property of deceased partner.

(g) The individual property of a deceased partner shall be liable for the contributions specified in clause (d) of this paragraph.

Creditors' priority.

(h) When partnership property and the individual properties of the partners are in possession of a court for distribution, partnership creditors shall have priority on partnership property and separate creditors on individual property, saving the rights of lien or secured creditors as heretofore.

Partner bankrupt or his estate insolvent, rank of claims against.

(i) Where a partner has become bankrupt or his estate is insolvent the claims against his separate property shall rank in the following order:

(I) Those owing to separate creditors,

(II) Those owing to partnership creditors,

(III) Those owing to partners by way of contribution.

Section 41. **Liability of Persons Continuing the Business in Certain Cases.**

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Liability of persons continuing the business in certain cases.

(1) When any new partner is admitted into an existing partnership, or when any partner retires and assigns (or the representative of the deceased partner assigns) his rights in partnership property to two (2) or more of the partners, or to one (1) or more of the partners and one (1) or more third persons, if the business is continued without liquidation of the partnership affairs, creditors of the first or dissolved partnership are also creditors of the partnership so continuing the business.

(2) When all but one partner retire and assign (or the representative of a deceased partner assigns) their rights in partnership property to the remaining partner, who continues the business without liquidation of partnership affairs, either alone or with others, creditors of the dissolved partnership are also creditors of the person or partnership so continuing the business.

(3) When any partner retires or dies and the business of the dissolved partnership is continued as set forth in paragraphs (1) and (2) of this section, with the consent of the retired partners or the representative of the deceased partner, but without any assignment of his right in partnership property, rights of creditors of the dissolved partnership and of the creditors of the person or partnership continuing the business shall be as if such assignment had been made.

(4) When all the partners or their representatives assign their rights in partnership property to one (1) or more third persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(5) When any partner wrongfully causes a dissolution and the remaining partners continue the business under the provisions of Section 38 (2b), either alone or with others, and without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

(6) When a partner is expelled and the remaining partners continue the business either alone or with others, without liquidation of the partnership affairs, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

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(7) The liability of a third person becoming a partner in the partnership continuing the business, under this section, to the creditors of the dissolved partnership shall be satisfied out of partnership property only.

(8) When the business of a partnership after dissolution is continued under any conditions set forth in this section the creditors of the dissolved partnership, as against the separate creditors of the retiring or deceased partner or the representative of the deceased partner, have a prior right to any claim of the retired partner or the representative of the deceased partner against the person or partnership continuing the business, on account of the retired or deceased partner's interest in the dissolved partnership or on account of any consideration promised for such interest or for his right in partnership property.

(9) Nothing in this section shall be held to modify any right of creditors to set aside any assignment on the ground of fraud.

(10) The use by the person or partnership continuing the business of the partnership name, or the name of a deceased partner as part thereof, shall not of itself make the individual property of the deceased partner liable for any debts contracted by such person or partnership.

Rights of retiring or estate of deceased partner when the business is continued.

Section 42. **Rights of Retiring or Estate of Deceased Partner When the Business Is Continued.** When any partner retires or dies, and the business is continued under any of the conditions set forth in Section 41 (1, 2, 3, 5, 6), or Section 38 (2b), without any settlement of accounts as between him or his estate and the person or partnership continuing the business, unless otherwise agreed, he or his legal representative as against such persons or partnership may have the value of his interest at the date of dissolution ascertained, and shall receive as an ordinary creditor an amount equal to the value of his interest in the dissolved partnership with interest, or, at his option or at the option of his legal representative, in lieu of interest, the profits attributable to the use of his right in the property of the dissolved partnership; provided that the creditors of the dissolved partnership as against the separate creditors, or the representative of the retired or deceased partner, shall have priority on any

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claim arising under this section, as provided by Section 41 (8) of this act.

Accrual of actions.

Section 43. **Accrual of Actions.** The right to an account of his interest shall accrue to any partner, or his legal representative, as against the winding up partners or the surviving partners or the person or partnership continuing the business, at the date of dissolution, in the absence of any agreement to the contrary.

Legislation repealed.

Section 44. **Legislation Repealed.** Sections 7981 to 8018 inclusive, of the Revised Codes of Montana, 1935, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1947.

CHAPTER 252

An Act to Make Uniform the Law Relating to Limited Partnerships; Providing Rules for Formation of Limited Partnerships and Filing of Certificates; Defining Terms and Rules of Construction; Prescribing the Rights, Powers and Liabilities of General Partners and Limited Partners; Providing for Assignment of Limited Partner's Interest; Defining Rights of Creditors of Limited Partners; and Providing for Dissolution of Limited Partnerships and Distribution of Assets, and, Except as Affecting Existing Limited Partnerships to the Extent Set Forth in Section 30 of This Act, Repealing Sections 8025 to 8049, Both Inclusive, of the Revised Codes of Montana, 1935, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Limited partnership defined.

Section 1. **Limited Partnership Defined.** A limited partnership is a partnership formed by two or more persons under the provisions of Section 2, having as members one or more general partners and one or more limited partners. The limited partners as such shall not be bound by the obligations of the partnership.

Formation, procedure for.

Section 2. **Formation.** (1) Two or more persons desiring to form a limited partnership shall

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(a) Sign and swear to a certificate, which shall state

Certificate, contents of.

I. The name of the partnership,

II. The character of the business,

III. The location of the principal place of business.

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist,

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution.

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement or insanity of a general partner, and

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution.

(b) File for record the certificate in the office of the county clerk and recorder.

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(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph (1).

Business which may be carried on.

Section 3. **Business Which May Be Carried On.** A limited partnership may carry on any business which a partnership without limited partners may carry on.

Character of limited partner's contribution.

Section 4. **Character of Limited Partner's Contribution.** The contributions of a limited partner may be cash or other property, but not services.

A name not to contain surname of limited partner, unless:

Section 5. **A Name Not to Contain Surname of Limited Partner; Exceptions.** (1) The surname of a limited partner shall not appear in the partnership name, unless

(a) It is also the surname of a general partner, or

(b) Prior to the time when the limited partner became such the business had been carried on under a name in which his surname appeared.

Liability of limited partner whose name appears in partnership name.

(2) A limited partner whose name appears in a partnership name contrary to the provisions of paragraph (1) is liable as a general partner to partnership creditors who extend credit to the partnership without actual knowledge that he is not a general partner.

Liability for false statement in certificate.

Section 6. **Liability for False Statements in Certificate.** If the certificate contains a false statement, one who suffers loss by reliance on such statement may hold liable any party to the certificate who knew the statement to be false;

(a) At the time he signed the certificate, or

(b) Subsequently, but within a sufficient time before the statement was relied upon to enable him to cancel or amend the certificate, or to file a petition for its cancellation or amendment as provided in Section 25 (3).

Limited partner not liable to creditors.

Section 7. **Limited Partner Not Liable to Creditors.** A limited partner shall not become liable as a general partner unless, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business.

Admission of additional limited partners.

Section 8. **Admission of Additional Limited Partners.** After the formation of a limited partnership, additional limited partners may be admitted upon filing an amend-

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ment to the original certificate in accordance with the requirements of Section 25.

Section 9. **Rights, Powers and Liabilities of a General Partner.** (1) A general partner shall have all the rights and powers and be subject to all the restrictions and liabilities of a partner in a partnership without limited partners, except that without the written consent or ratification of the specific act by all the limited partners, a general partner or all of the general partners have no authority to

Rights, powers and liabilities of a general partner.

(a) Do any act in contravention of the certificate,

(b) Do any act which would make it impossible to carry on the ordinary business of the partnership,

(c) Confess a judgment against the partnership.

(d) Possess partnership property, or assign their rights in specifc partnership property, for other than a partnership purpose,

(e) Admit a person as a general partner,

(f) Admit a person as a limited partner, unless the right so to do is given in the certificate,

(g) Continue the business with partnership property on the death, retirement or insanity of a general partner, unless the right so to do is given in the certificate.

Section 10. **Rights of a Limited Partner.**

(1) A limited partner shall have the same rights as a general partner to

Rights of a limited partner.

(a) Have the partnership books kept at the principal place of business of the partnership, and at all times to inspect and copy any of them,

(b) Have on demand true and full information of all things affecting the partnership, and a formal account of partnership affairs whenever circumstances render it just and reasonable, and

(c) Have dissolution and winding up by decree of court.

(2) A limited partner shall have the right to receive a share of the profits or other compensation by way of income, and to the return of his contribution as provided in Sections 15 and 16.

To receive share of profits and return of contribution.

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Status of person erroneously believing himself a limited partner.

Section 11. **Status of Person Erroneously Believing Himself a Limited Partner.** A person who has contributed to the capital of a business conducted by a person or partnership erroneously believing that he has become a limited partner in a limited partnership, is not, by reason of his exercise of the rights of a limited partner, a general partner with the person or in the partnership carrying on the business, or bound by the obligations of such person or partnership; provided that on ascertining the mistake he promptly renounces his interest in the profits of the business, or other compensation by way of income.

Section 12. **One Person Both General and Limited Partner.**

One person both general and limited partner.

(1) A person may be a general partner and a limited partner in the same partnership at the same time.

Rights and powers of such person.

(2) A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution, he shall have the rights against the other members which he would have had if he were not also a general partner.

Section 13. **Loans and Other Business Transactions With Limited Partner.** (1) A limited partner also may

Loans and other business transactions.

loan money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. No limited partner shall in respect to any such claim

Restrictions.

(a) Receive or hold as collateral security any partnership property, or

(b) Receive from a general partner or the partnership any payment, conveyance, or release from liability, if at the time the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

Fraud on creditors of partnership.

(2) The receiving of collateral security, or a payment, conveyance, or release in violation of the provisions of paragraph (1) is a fraud on the creditors of the partnership.

Relation of limited partners inter se

Section 14. **Relation of Limited Partners Inter Se.** Where there are several limited partners the members

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may agree that one or more of the limited partners shall have a priority over other limited partners as to the return of their contributions, as to their compensation by way of income, or as to any other matter. If such an agreement is made it shall be stated in the certificate, and in the absence of such a statement all the limited partners shall stand upon equal footing.

Compensation of limited partner.

Section 15. **Compensation of Limited Partner.** A limited partner may receive from the partnership the share of the profits or the compensation by way of income stipulated for in the certificate; provided, that after such payment is made, whether from the property of the partnership or that of a general partner, the partnership assets are in excess of all liabilities of the partnership except liabilities to limited partners on account of their contributions and to general partners.

Withdrawal or reduction of limited partner's contribution conditioned upon what.

Section 16. **Withdrawal or Reduction of Limited Partner's Contribution.** (1) A limited partner shall not receive from a general partner or out of partnership property any part of his contribution until

(a) All liabilities of the partnership, except liabilities to general partners and to limited partners on account of their contributions, have been paid or there remains property of the partnership sufficient to pay them.

(b) The consent of all members is had, unless the return of the contribution may be rightfully demanded under the provisions of paragraph (2), and

(c) The certificate is cancelled or so amended as to set forth the withdrawal or reduction.

Return of his contribution, right to.

(2) Subject to the provisions of paragraph (1) a limited partner may rightfully demand the return of his contribution

(a) On the dissolution of a partnership, or

(b) When the date specified in the certificate for its return has arrived, or

(c) After he has given six months' notice in writing to all other members, if no time is specified in the certificate either for the return of the contribution or for the dissolution of the partnership.

(3) In the absence of any statement in the certificate to the contrary or the consent of all members, a limited

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Cash only in return for contribution.

partner, irrespective of the nature of his contribution, has only the right to demand and receive cash in return for his contribution.

Right to have partnership dissolved.

(4) A limited partner may have the partnership dissolved and its affairs wound up when

(a) He rightfully but unsuccessfully demands the return of his contribution, or

(b) The other liabilities of the partnership have not been paid, or the partnership property is insufficient for their payment as required by paragraph (1a) and the limited partner would otherwise be entitled to the return of his contribution.

Liability of to partnership.

Section 17. **Liability of Limited Partner to Partnership.**

(1) A limited partner is liable to the partnership

(a) For the difference between his contribution as actually made and that stated in the certificate as having been made, and

(b) For any unpaid contribution which he agreed in the certificate to make in the future at the time and on the conditions stated in the certificate.

Holding as trustee for partnership.

(2) A limited partner holds as trustee for the partnership

(a) Specific property stated in the certificate as contributed by him, but which was not contributed or which has been wrongfully returned, and

(b) Money or other property wrongfully paid or conveyed to him on account of his contribution.

Waiver or compromise of liabilities.

(3) The liabilities of a limited partner as set forth in this section can be waived or compromised only by the consent of all members; but a waiver or compromise shall not affect the right of a creditor of a partnership, who extended credit or whose claim arose after the filing and before a cancellation or amendment of the certificate, to enforce such liabilities.

Liability, after receiving return of contribution.

(4) When a contributor has rightfully received the return in whole or in part of the capital of his contribution, he is nevertheless liable to the partnership for any

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sum, not in excess of such return with interest, necessary to discharge its liabilities to all creditors who extended credit or whose claims arose before such return.

Nature of limited partner's interest.

Section 18. **Nature of Limited Partner's Interest in Partnership.** A limited partner's interest in the partnership is personal property.

Section 19. **Assignment of Limited Partner's Interest.**

Assignment of interest.

(1) A limited partner's interest is assignable.

"Substituted limited partner."

(2) A substituted limited partner is a person admitted to all the rights of a limited partner who has died or has assigned his interest in a partnership.

Rights of assignee.

(3) An assignee, who does not become a substituted limited partner, has no right to require any information or account of the partnership transactions or to inspect the partnership books; he is only entitled to receive the share of the profits or other compensation by way of income, or the return of his contribution, to which his assignor would otherwise be entitled.

Assignee may become substituted limited partner, when.

(4) An assignee shall have the right to become a substituted limited partner if all the members (except the assignor) consent thereto or if the assignor, being thereunto empowered by the certificate, gives the assignee that right.

Amendment of certificate.

(5) An assignee becomes a substituted limited partner when the certificate is appropriately amended in accordance with Section 25.

Rights and powers of substituted limited partner.

(6) The substituted limited partner has all the rights and powers, and is subject to all the restrictions and liabilities of his assignor, except those liabilities of which he was ignorant at the time he became a limited partner and which could not be ascertained from the certificate.

Liability of assignor.

(7) The substitution of the assignee as a limited partner does not release the assignor from liability to the partnership under Sections 6 and 17.

Retirement, death or insanity of general partner.

Section 20. **Effect of Retirement, Death or Insanity of a General Partner.** The retirement, death or insanity of a general partner dissolves the partnership, unless the business is continued by the remaining general partners

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(a) Under a right so to do stated in the certificate, or

(b) With the consent of all members.

Section 21. **Death of Limited Partner.**

Death of limited partner.

(1) On the death of a limited partner his executor or administrator shall have all the rights of a limited partner for the purpose of settling his estate, and such power as the deceased had to constitute his assignee a substituted limited partner.

(2) The estate of a deceased limited partner shall be liable for all his liabilities as a limited partner.

Rights of creditors of limited partner.

Section 22. **Rights of Creditors of Limited Partner.**

(1) On due application to a court of competent jurisdiction by any creditor of a limited partner, the court may charge the interest of the indebted limited partner with payment of the unsatisfied amount of such claim; and may appoint a receiver, and make all other orders, directions, and inquiries which the circumstances of the case may require.

Court may charge interest and appoint receiver.

Redemption.

(2) The interest may be redeemed with the separate property of any general partner, but may not be redeemed with partnership property.

Remedies conferred are exclusive.

(3) The remedies conferred by paragraph (1) shall not be deemed exclusive of others which may exist.

Statutory exemption.

(4) Nothing in this act shall be held to deprive a limited partner of his statutory exemption.

Section 23. **Distribution of Assets.**

Distribution of assets, order of payment.

(1) In settling accounts after dissolution the liabilities of the partnership shall be entitled to payment in the following order:

(a) Those to creditors, in the order of priority as provided by law, except those to limited partners on account of their contributions, and to general partners,

(b) Those to limited partners in respect to their share of the profits and other compensation by way of income on their contributions,

(c) Those to limited partners in respect to the capital of their contributions,

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(d) Those to general partners other than for capital and profits,

(e) Those to general partners in respect to profits,

(f) Those to general partners in respect to capital.

(2) Subject to any statement in the certificate or to subsequent agreement, limited partners share in the partnership assets in respect to their claims for capital, and in respect to their claims for profits or for compensation by way of income on their contributions respectively, in proportion to the respective amounts of such claims. Share in assets in proportion to claims.

Section 24. **When Certificate Shall Be Cancelled or Amended.** (1) The certificate shall be cancelled when the partnership is dissolved or all limited partners cease to be such. Cancellation of certificate.

(2) A certificate shall be amended when Amendment of certificate.

(a) When there is a change in the name of the partnership or in the amount or character of the contribution of any limited partner,

(b) A person is substituted as a limited partner,

(c) An additional limited partner is admitted,

(d) A person is admitted as a general partner,

(e) A general partner retires, dies or becomes insane, and the business is continued under Section 20.

(f) There is a change in the character of the business of the partnership,

(g) There is a false or erroneous statement in the certificate,

(h) There is a change in the time as stated in the certificate for the dissolution of the partnership or for the return of a contribution,

(i) A time is fixed for the dissolution of the partnership, or the return of a contribution, no time having been specified in the certificate, or

(j) The members desire to make a change in any other statement in the certificate in order that it shall accurately represent the agreement between them.

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Section 25. **Requirements for Amendment and for Cancellation of Certificate.**

Amendment of certificate, requirements for.

(1) The writing to amend a certificate shall

(a) Conform to the requirements of Section 2 (1a) as far as necessary to set forth clearly the change in the certificate which it is desired to make, and

(b) Be signed and sworn to by all members, and an amendment substituting a limited partner or adding a limited or general partner shall be signed also by the member to be substituted or added, and when a limited partner is to be substituted, the amendment shall also be signed by the assigning limited partner.

Cancellation of certificate.

(2) The writing to cancel a certificate shall be signed by all members.

Petition to district court, when.

(3) A person desiring the cancellation or amendment of a certificate, if any person designated in paragraphs (1) and (2) as a person who must execute the writing refuses to do so, may petition the district court to direct a cancellation or amendment thereof.

Court order that cancellation or amendment be recorded.

(4) If the court finds that the petitioner has a right to have the writing executed by a person who refuses to do so, it shall order the county clerk and recorder in the office where the certificate is recorded to record the cancellation or amendment of the certificate; and where the certificate is to be amended, the court shall also cause to be filed for record in said office a certified copy of its decree setting forth the amendment.

Amendment or cancellation, effective, when.

(5) A certificate is amended or cancelled when there is filed for record in the office of the county clerk and recorder where the certificate is recorded,

(a) A writing in accordance with the provisions of paragraph (1), or (2) or

(b) A certified copy of the order of court in accordance with the provisions of paragraph (4).

Amended certificate, effect of.

(6) After the certificate is duly amended in accordance with this section, the amended certificate shall thereafter be for all purposes the certificate provided for by this act.

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Parties to actions.

Section 26. **Parties to Actions.** A contributor, unless he is a general partner, is not a proper party to proceedings by or against a partnership, except where the object is to enforce a limited partner's right against or liability to the partnership.

Name of act.

Section 27. **Name of Act.** This act may be cited as the uniform limited partnership act.

Rules of construction.

Section 28. **Rules of Construction.**

(1) The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this act.

(2) This act shall be so interpreted and construed as to effect its general purpose to make uniform the law of those states which enact it.

Existing obligations, pending actions and accrued rights, not affected.

(3) This act shall not be so construed as to impair the obligations of any contract existing when the act goes into effect, nor to affect any action on proceedings begun or right accrued before this act takes effect.

Rules for cases not provided for in act.

Section 29. **Rules for Cases Not Provided for in This Act.** In any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

Provisions for existing limited partnerships.

Section 30. **Provisions for Existing Limited Partnerships.** (1) A limited or special partnership formed under any statute of this state prior to the adoption of this act, may become a limited partnership under this act by complying with the provisions of Section 2; provided the certificate sets forth

Certificate, contents of.

(a) The amount of the original contribution of each limited partner, and the time when the contribution was made, and

(b) That the property of the partnership exceeds the amount sufficient to discharge its liabilities to persons not claiming as general or limited partners by an amount greater than the sum of the contributions of its limited partners.

Existing limited or special partnerships.

(2) A limited or special partnership formed under any statute of this state prior to the adoption of this act, until or unless it becomes a limited partnership under

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this act, shall continue to be governed by the provisions of the existing limited or special partnership acts, except that such partnership shall not be renewed unless so provided in the original agreement.

Acts repealed.

Section 31. **Acts Repealed.** Except as affecting existing limited partnerships to the extent set forth in Section 30, Sections 8025 to 8049, both inclusive, of the Revised Codes of Montana, 1935, and all acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 8, 1947.

CHAPTER 253

An Act to Repeal Sections 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3211.1, 3212, 3213, 3214, 3215 and 3216, Revised Codes of Montana, 1935, as Amended by Chapter 22 of the Laws of the Twenty-eighth Legislative Assembly of Montana, 1943, and to Enact in lieu Thereof, and Hereby, a New and Revised Nurses Practice Act for Montana to Regulate the Practice of Nursing; Provide for the Examination, Licensing and Regulation of Professional, Registered Nurses and Denial, Revocation or Suspension of Licenses; Excluding Practical Nursing From the Operation of This Act; to Establish and Provide for the Montana State Board of Nurse Examiners and to Define the Powers and Duties of Such Board; to Invest Such Board With Power to Make Rules and Regulations Within the Limits of This Act; to Provide for Survey, Examination and Accreditation of Schools of Nursing; to Provide for Judicial Review of Acts of the Board; to Prescribe Penalties for Violation of the Provisions of This Act; to Provide a Fund for Administration of This Act and for Other Purposes; to Recognize All Registered Nurses Now Lawfully Licensed Under the Provisions of the Montana Codes, Sections and Acts Repealed Hereby, and to Provide for the Orderly Supervision and Transfer of Business From the Existing Montana State Board of Examiners for Nurses to the Board Created Hereby; and to Provide Standing Exceptions From the Operation of This Act, and Exemptions From Certain of the Requirements Thereof in Time of War or Other Emergency.

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Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. **Purpose.** In order to safeguard life and health, any person practicing or offering to practice nursing as a trained, graduate, or registered nurse in this state for compensation or personal profit shall, hereafter, be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. After July 1, 1947, it shall be unlawful for any person to practice or to offer to practice as a trained, graduate, or registered nurse in this state, or to use any title, abbreviations, sign, card, or device to indicate that such a person is practicing as a trained, graduate, or registered nurse unless such a person has been duly licensed and registered under the provisions of this act.

Title of act.

Section 2. **Definitions.** This act may be cited as the Montana nurse practice act.

"Board."

As used in this act, "board" means the Montana state board of nurse examiners hereby created.

Board of nurse examiners.

Section 3. **Board of Nurse Examiners.** There is hereby created an administrative board and agency to be named and known as the Montana state board of nurse examiners which shall possess and exercise all the powers and perform and discharge all the duties provided herein, in the public interest. The board created hereby shall succeed to and receive from the board functioning prior to the passage of this act all its records, books, papers, accounts, monies and unfinished business and shall complete the business of said predecessor board in accordance with the provisions of this act. Said predecessor board shall deliver to the board created hereby all of said records and funds on July 1st, 1947, whereupon the existing Montana state board of examiners for nurses, and all authority vested by law in such existing board shall wholly cease and terminate.

Seal.

The board shall have a seal which shall be used to authenticate its acts as such board. Said seal shall have the name of the board inscribed thereon, together with such design as the board may authorize.

a. **Creation of Board; Succession and Appointment of Members; Term of Office, and Removal From Office.**

The Montana state board of nurse examiners created

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Members.

hereby shall consist of five (5) members. The five (5) persons who are the members of the Montana state board of examiners for nurses holding office thereon under the provisions of Sections 3203-3216, Revised Codes of Montana, 1935, as amended by Chapter 22, laws of the twenty-eighth legislative assembly of Montana, 1943, shall be, and they are hereby appointed members of the Montana state board of nurse examiners, effective July 1st, 1947, for initial terms thereon which terms shall be, in the case of each member, equal to the time each member would have continued to serve in her respective appointment except for this act, and until the respective successors of such members have been appointed by the governor and qualify.

Appointment of.

Initial terms.

Term of office.

On expiration of each such initial term, successively the governor shall appoint the members of the Montana state board of nurse examiners, each to hold office for a term of three (3) years and until a successor is appointed and qualifies. The governor may appoint from a list of members of the Montana state nurses' association, submitted by such association which list shall contain names of persons in number at least twice the number of appointments to be made.

Vacancy.

A vacancy occuring on the board may be filled for the unexpired term by appointment to be made by the governor from like nominations submitted by the Montana state nurses' association in the manner aforesaid.

State nurses' association to submit list to governor.

On or before April 1st of each year and at any other time when there is a vacancy, the Montana state nurses' association shall submit to the governor a list of its members suitable for appointment, in number not less than twice the number of vacancies to be filled.

Removal from office.

The governor may remove any member from the board for neglect of any duty required by law, or for incompetency, or unprofessional, or dishonorable conduct, on written and verified charges delivered to the accused at least twenty (20) days prior to hearing thereon, but no removal may be had until after the expiration of said twenty (20) day period and then only after a full and fair hearing on such charges, written notice of which hearing shall be delivered to the accused at least ten (10) days before the hearing. Any order of removal shall be

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subject to judicial review on the law and the facts by any appropriate method.

b. **Qualifications of Members of Board.**

Qualification of members of board.

Each member of the board shall be a citizen of the United States and a resident of this state for at least one (1) year prior to appointment; shall have successfully completed at least an approved four (4) year high school course of study evidenced by proper certification of credits; shall have graduated from an accredited school of nursing; shall be licensed as a registered nurse in this state; shall have had at least five (5) years experience in nursing following graduation, with at least two (2) years executive or teaching experience in nursing education and shall have been actively engaged in the practice of nursing within two (2) years of appointment.

Oath of office.

Each member of the board shall file with the secretary of state, the constitutional oath of office before beginning his or her term of office.

c. **Duties and Powers.**

Duties and powers.

The board shall meet annually, in the month of July, and shall elect from its members a president and a recording secretary, and also shall appoint and employ an executive secretary as hereinafter provided who shall not be a member of the board. The board shall hold such other meetings during the year as may be deemed necessary by its president, or by any two members to transact its business. Such meetings may be called on unanimous consent, or if otherwise called, shall be held on five (5) days notice. A majority of the board including one (1) officer shall constitute a quorum at any meeting.

Rules and regulations, board authorized to adopt.

The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this act, including examination of any applicant for registration or certification.

Duties of board.

The board shall prescribe curricula and standards for schools and courses preparing persons for licensure under this act. It shall provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and courses as meet the requirements of this act and of the board. It shall evaluate

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and approve courses for affiliation. It shall examine, license and renew the license of duly qualified applicants. It shall conduct hearings upon charges calling for discipline of a licensee or revocation of a license; and it may, on its own motion conduct a hearing upon any application on at least ten (10) days written notice. The board shall have power to issue subpoenaes, and compel the attendance of witnesses and administer oaths to persons giving testimony at hearings. It shall cause the prosecution of all persons violating this act and have power to incur such necessary expenses therefor. It shall keep a record of all its proceedings and make a complete and informative annual report to the governor.

Duties and powers of board, continued.

The board shall have power to adopt such forms for use by applicants and others, including license, certificate and identity forms, and other appropriate forms as may be convenient for the proper administration of this act. The board shall keep, separately, permanent and complete registers of all registered nurses, and schools of nursing wherein shall be faithfully recorded all pertinent data as to each registered nurse, or school of nursing. The board shall also keep, separately, a list of inactive registered nurses together with their last known addresses, and shall endeavor to keep such list and data up to date, from year to year.

The board, in the adoption of rules and regulations, shall keep abreast of standards contemporaneous with advances in the knowledge of the science and art of nursing, within the limits thereof.

Review of board's actions.

In the exercise of its powers and discharge of its duties, the board's actions shall be subject to judicial review or correction as hereinafter provided.

Executive secretary.

The board shall appoint and employ a qualified person to serve as executive secretary to the board, and it shall fix the compensation of such officer and define the duties of such office. It may employ such other persons as may be necessary to carry on the work of the board.

Qualifications of.

The executive secretary appointed by the board shall be a citizen of the United States, a graduate of a college or university and of an accredited school of nursing, and must be a registered nurse with at least five (5) year's

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experience in teaching and administration in an accredited school of nursing.

d. **Compensation.**

Each member of the board shall, in addition to necessary hotel, traveling and meal expenses, receive ten dollars ($10.00) per day for each day actually engaged in the discharge of duties as such members, not to exceed thirty (30) days in any calendar year, including all the time spent in actual attendance at any meeting of the board, and travel to and from such meeting and a reasonable number of days for the preparation of examination questions and grading papers, in addition to the time actually spent in conducting examinations. Compensation.

Section 4. **Registered Nurses, Qualifications, Licensure.** Registered nurses.

a. **Qualifications of Applicants.**

An applicant for a license to practice as a registered nurse shall submit to the board written evidence, verified by oath, that said applicant: Qualifications of applicants.

(1) Is twenty (20) years of age, or over;

(2) Is of good moral character;

(3) Is in good physical and mental health;

(4) Has completed at least an approved four year high school course of study or the equivalent thereof, as determined by the board, and shall meet such other preliminary qualification requirements as the board may prescribe;

(5) Has completed a course of study in an accredited school of nursing and holds a diploma therefrom.

b. **License.** License.

(1) By examination.

The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination, or both such examinations. Upon successfully passing such examination, the board shall issue, under its seal, to the applicant a license to practice nursing as a registered nurse. Examination of applicant.

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(2) Without examination.

Applicants registered in another state.

The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed or registered as a registered nurse by examination under the laws of another state, territory or foreign country, if in the opinion of the board, the applicant meets the qualifications required of registered nurses in this state.

c. **Fee.**

Fee.

The applicant applying for a license to practice as a registered nurse shall pay a fee of fifteen dollars ($15.00) to the board.

d. **Title and Abbreviation.**

Title and abbreviation of title.

Any person who holds a license to practice as a registered professional nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate or to intimate that the person using the same is a registered professional nurse.

e. **Nurses Registered Under Previous Law.**

Nurses registered under previous laws.

Any person holding a license or certificate of registration to practice nursing in Montana as a registered nurse authorized by any prior board and issued by the governor, which license is valid and for which all fees have been fully paid on July 1st, 1947, shall thereafter be deemed to be licensed as a registered nurse under the provisions of this act.

Section 5. **Renewal of License; Temporary Certificates; War Period Examptions.** The license of every person, licensed under the provisions of this act shall be annually renewed, except as hereinafter provided. On or before December 1st of year, the board shall mail an application for renewal of license to every person whose license was renewed or to whom a license was issued during the current year. The applicant shall fill in the application blank and return it to the board with a renewal fee of two dollars ($2.00) before January 1st, next. Upon receipt of the application and fee, the board shall verify the accuracy of the application and issue to the

Renewal of license.

Fee.

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applicant a certificate of renewal for the current year beginning January 1st and expiring December 31st, following. Such certificate of renewal shall render the holder thereof a legal practitioner for the period stated on the certificate of renewal, and shall be attached by the licensee to his or her license.

Lapse of license.

Any licensee who allows his or her license to lapse by failing to renew the license as and within the time provided above, may be reinstated by the board on satisfactory explanation for such failure to renew his or her license and on payment of a further fee of two dollars ($2.00) in addition to the two dollars ($2.00) annual renewal of license.

Reinstatement, fee for.

Penalty.

Any person practicing professional nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violation of this act.

Temporary retirement from practice.

A person licensed under the provisions of this act desiring to retire from practice temporarily, shall send a written notice to the board. Upon receipt of such notice the board shall place the name of such person upon the non-practicing or inactive list. While remaining on such list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state. When the person desires to resume practice, application for renewal of license and payment of renewal fee for the current year shall be made to the board.

Temporary certificates to nurses registered in another state.

The board shall have the power, within its discretion (a) to issue temporary certificates as registered nurses to persons registered, certificated, or licensed under the laws of any other state having requirements for registration or licensing substantially equivalent to Montana, upon payment of a temporary certificate fee of five dollars ($5.00), such temporary certificate to entitle the holder thereof to practice for the length of time and as specified in the temporary certificate for a period not longer than six (6) months; to renew such temporary certificates as registered nurses for a second consecutive period of not longer than six (6) months, upon payment of a second temporary certificate fee of five dollars ($5.00); to allow the fees so collected up to a maximum of ten dollars ($10.00) to be applied upon the total fee of fifteen dollars ($15.00) when and if the person holding a temporary

Fee.

Renewal of certificate.

Fee.

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Exemption in favor of nurses serving in the armed forces.

certificate makes application for a license to practice as a registered nurse and (b) to exempt all registered nurses serving in any of the armed forces of the United States, land, sea, air, or any other armed services, or part of any thereof, from the annual renewal fee of two dollars ($2.00) for a period not longer than the duration of war, or until cessation of hostilities, and six (6) months thereafter, as the board may determine.

Fund, administration and disposition of.

Section 6. **Fund; and Administration and Disposition of Same.** There is hereby created the fund of the state board of nurse examiners. The state treasurer of the State of Montana shall be custodian of said fund and keep an account of the same. Disbursements from the fund shall be effected by warrants drawn by the state auditor on the fund, pursuant to claims authorized and approved by the state board of nurse examiners and by the state board of examiners. All fees received by the state board of nurse examiners and all fines collected under this act shall be paid over by the executive secretary to the state treasurer for the credit of said fund, at least twice in each month. The state board of nurse examiners shall keep in said fund for all necessary and proper expenses incurred and to be incurred in the administration of this act the sum of five thousand dollars ($5,000.00). The board may, in its discretion expend all or any part of the monies in said fund in excess of the said sum of five thousand dollars ($5,000.00) designated for administration, to promote nursing education, to elevate the standards of nursing service in the State of Montana, to promote the general welfare of the profession, and to purchase such equipment, supplies and materials as may be incident thereto.

Schools of nursing.

Section 7. **Schools of Nursing.**

a. **Application for Accreditation.**

Application for accreditation.

An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that:

(1) It is prepared to give a thirty-six (36) months course of theoretical instruction and practical experience in nursing as prescribed in the curriculum adopted by the board. Such instruction and experience may be secured in one or more institutions approved by the board.

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(2) It is prepared to meet other standards established by this law and by the board pursuant thereto.

b. **Survey.**

Survey and report.

A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary of the board. The executive secretary shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an accredited school of nursing are met, it shall approve the school as an accredited school of nursing.

Surveys of schools of nursing.

From time to time as deemed necessary by the board, it shall be the duty of the board, through its executive secretary, to survey all schools of nursing in the state. Written reports of such surveys shall be submitted by the board. If the board determines that any accredited school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of accredited schools of nursing.

Section 8. **Disciplinary Proceedings.**

Disciplinary proceedings.

a. **Grounds for Discipline.**

Grounds for discipline.

The board shall have the power to deny, revoke or suspend any license to practice professional nursing issued by the board or applied for in accordance with the provisions of this act, or to otherwise discipline a licensee upon proof that the person—

(1) Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

(2) Is guilty of a crime or gross immorality;

(3) Is unfit or incompetent by reason of negligence, habits or other causes;

(4) Is habitually intemperate or is addicted to the use of habit forming drugs;

(5) Is mentally incompetent;

(6) Is guilty of unprofessional conduct;

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(7) Has wilfully or repeatedly violated any of the provisions of this act.

b. **Proceedings.**

Proceedings.

Upon filing of a sworn complaint with the board, charging a person with having been guilty of any of the actions specified as a ground for disciplinary action, the board shall fix a time and place for a hearing and shall cause a true copy of the charges, together with a notice of the time and place fixed for the hearing, to be personally served on the accused at least ten (10) days prior to the date of hearing. When personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the executive secretary of the board shall cause to be published, twice in each of two (2) successive weeks, a notice of the hearing in a newspaper published in the county in which the accused last practiced according to the records of the board and shall mail a copy of the charges and of such notice to the accused at his or her last known address. When publication of the notice is necessary the date of the hearing shall be not less than ten (10) days after the last date of the publication of the notice.

Notice of hearing.

Subpoenas, issuance by board authorized.

The attendance of witnesses and the production of books, papers and documents at the hearing may be compelled by subpoenas issued by the board, which shall be served in accordance with law. At the hearing the board shall administer oaths as may be necessary for the proper conduct of the hearing. The board shall not be bound by strict rules of procedure or by the technical rules of evidence in the conduct of its proceedings, but the determination must be based upon clear and substantial legal evidence to sustain it, exclusive of hearsay evidence properly excluded on objection.

Rights of the accused.

At the hearing the accused shall have the right to appear either personally or by counsel, or both, to produce witnesses and evidence on his or her own behalf, to cross examine witnesses and to have subpoenas issued by the board. If the accused is found guilty of the charges the board may refuse to issue a license to the applicant or may revoke, or suspend, a licensee.

Any order or determination of the board in such disciplinary proceedings, or in any other activity of the board

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shall be subject to judicial review in the district court of the county of the residence of the person affected, by writ of review or by action against the board as in the case of other civil actions, setting forth the alleged grounds of error or excess in the exercise of the powers or performance of the duties prescribed herein for the board. Any review proceeding or action against the board shall be commenced within thirty (30) days after issuance of the order or determination in question, or be forever barred.

Judicial review in district court.

Section 9. **Exceptions.**

Exceptions.

No provision of this law shall be construed as prohibiting gratuitous nursing by friends of a sick or afflicted person or by members of the family for each other, or as prohibiting professional nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in accredited schools of nursing, nor by graduates of such schools or courses pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of professional nursing in this state by any legally qualified nurse of another state whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six (6) months in length, provided such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified professional nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties, nor shall it be in any way construed as prohibiting any person nursing the sick for hire who does not in any way assume or pretend to be a registered nurse, such persons being hereby excluded from the operation of this act.

Gratuitous nursing.

Nursing by students.

Nursing by professional nurse from another state, in certain cases.

This act shall not be construed as conferring any authority to practice medicine or surgery, or any of the healing arts licensed to be practiced in the State of Montana, or to undertake the treatment of disease by any of the methods employed in such arts, unless the licensee shall have fully qualified under the applicable law cov-

Construction of act.

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ering such healing art, or arts. Nothing in this act shall be construed to apply to persons of the Christian Science faith in the care of the sick.

Violation of act.

Section 10. **Violation of Act—Penalties.**

It shall be a misdemeanor for any person (including any corporation, association, or individual) to—

Unlawful practices enumerated.

a. Sell or fraudulently obtain or furnish any nursing diploma, license or record or aid or abet therein.

b. Practice professional nursing as defined by this act under cover of any diploma, license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation.

c. Practice professional nursing as defined by this act unless duly licensed to do so under the provisions of this act.

d. Use in connection with his or her name any designation tending to imply that he or she is a registered nurse unless duly licensed so to practice under provisions of this act.

e. Practice professional nursing during the time his or her license issued under the provisions of this act shall be suspended or revoked.

f. Conduct a school of nursing unless the course has been accredited by the board.

g. Otherwise violate any provisions of this act.

Penalties.

Such misdemeanor shall be punishable by a fine of not less than one hundred dollars ($100.00) for a first offense. Each subsequent offense shall be punishable by a fine of three hundred dollars ($300.00) or by imprisonment of not more than six (6) months in the county jail, or by both such fine and imprisonment.

Power of district courts.

The several district courts within their respective jurisdictions are hereby empowered to hear, try and determine charges of misdemeanor and to impose in full the punishment or imprisonment and fines herein prescribed. It shall be necessary to prove in any prosecution or hearing under this article only a single act prohibited by law or a single holding out or an attempt without proving a general course of conduct, in order to constitute a misdemeanor under this act.

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Such misdemeanors shall be prosecuted by or under the direction of the attorney-general in the name of the state; provided, however, that nothing in this section shall be interpreted to prevent or impede the prosecution of such misdemeanors by the county attorney of any county when such proceedings shall have been authorized by the attorney-general. Prosecution, by whom.

Section 11. Sections 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3211.1, 3212, 3213, 3214, 3215, 3216, Revised Codes of Montana, 1935, and Chapter 22, Laws of the twenty-eighth legislative assembly of Montana, 1943, and all acts and parts of acts in conflict herewith are hereby repealed. Legislation repealed.

Section 12. This act shall take effect at 12:01 o'clock A. M. on July 1, 1947. Effective date.

Approved March 10, 1947.

CHAPTER 254

An Act to Amend Section 1805.20 of the Revised Codes of Montana of 1935, as Amended by Section 2 of Chapter 207 of the Laws of Montana of 1945; and to Amend Section 3 of Chapter 207 of the Laws of Montana of 1945; and to Amend Section 1805.25 of the Revised Codes of Montana of 1935, as Amended by Section 6 of Chapter 207 of the Laws of Montana of 1945; and to Amend Section 10 of Chapter 207 of the Laws of Montana of 1945; All Relating to the Leasing of Agricultural and Grazing Lands Owned by the State, and Providing for the Appraisal of Such Lands.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1805.20 of the Revised Codes of Montana of 1935, as amended by Section 2 of Chapter 207 of the Laws of Montana of 1945, be and the same is hereby amended to read as follows: Sec. 1805.20 R. C. M. as amended further amended.

"1805.20. Under the general direction and control of the state board of land commissioners, the commissioner shall lease all agricultural and grazing lands and all town and city lots open to leasing upon proper application, provided that, as to agricultural lands, all leases now outstanding (for the next and succeeding years hereafter) Lease of agricultural lands—rental basis.

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and all leases hereafter made, and all renewals of leases, shall be continued or made upon a crop share rental basis of not less than one-fifth (1/5) of the annual crops to the state, or the usual landlord's share prevailing in the district, whichever is greater. In unusual cases the board may authorize a lease upon other basis than crop share, but in all such unusual cases the board shall set forth in its minutes of approval the unusual conditions of the case and the rental to be charged, and by unusual conditions is meant a proposed use of the land for other than the annual production of agricultural crops justifying, in the opinion of the board, a greater money rental of the land than the value of the usual landlord's share of annual agricultural crops in the area in which the land is situated, and provided further that, from and after February 28, *1952*, the rental rate for all state grazing lands leased and to be leased shall be based upon the appraised animal-unit-month carrying capacity of the land multiplied by the rate per animal-unit-month as fixed in this act, and provided further that, as to town and city lots owned by the state, the fair rental value thereof shall be determined from time to time under the direction of the commissioner and with the approval of the state board of land commissioners and record made thereof, and such town or city property may be leased at its current appraised rental value for terms of not to exceed five (5) years. All leases of agricultural or grazing lands, or town or city lots shall be upon condition that the state board of land commissioners may in its discretion, offer said land for sale at any regular public sale of state lands held in the county where the land is situated, upon the same terms, and in the same manner as land not under lease."

Rental rate for grazing lands after Feb. 28, 1952.

Sec. 3, Ch. 207, Laws of 1945 amended.

Section 2. That Section 3 of Chapter 207 of the Laws of Montana of 1945, be and the same is hereby, amended to read as follows:

"Section 3. *From and after February, 1952*, the annual rental to be reserved to the state in leases of grazing lands shall be at the rate of twenty cents (20c) per animal-unit-month of carrying capacity of the land as determined by the commissioner of the department of state lands and investments with the approval of the state board of land commissioners, for a grazing period of twelve (12) months for a calendar year. By "animal unit" is meant one cow, one horse, or five sheep six months old or over. By

Annual rental rate for grazing lands.

"Animal unit."

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"animal-unit-month" is meant an animal unit grazed, or to be grazed, on a tract of land for thirty (30) days." "Animal-unit-month."

Section 3. That Section 1805.25 of the Revised Codes of Montana of 1935, as amended by Section 6 of Chapter 207 of the Laws of Montana of 1945, be and the same is hereby, amended to read as follows: Sec. 1805.25 R. C. M. as amended further amended.

"1805.25. Prior to *January 1, 1951*, the state board of land commissioners shall establish the rental rate for all state grazing lands upon the animal-unit-month basis as provided in this act, and until *February 28, 1952*, leases and renewals of leases of state grazing lands in which the lease term is to begin prior to *March 1, 1952*, or the current term of the lease to be renewed expires prior to said last named date, may be made upon the following conditions as to rate of rental: Rental rate for grazing lands to be established.

"For the purpose of determining the *per annum* rental rate *per section* of grazing land *for any part of the period ending February 28, 1952*, they shall be classified as follows: Classification of grazing for determining rental rate.

"Class 1. Extra good grazing land, *fifty dollars and forty cents ($50.40) per section and upwards to such amount as may be fixed by the state board of land commissioners.*

"Class 2. Good grazing land, well sodded with grass, *forty-three dollars and twenty cents ($43.20).*

"Class 3. Fair grazing land, with medium grass, *thirty-six dollars ($36.00).*

"Class 4. Poor grazing land, thinly grassed, *twenty-four dollars ($24.00).*

"Class 5. Any other grazing land, such amount as may be fixed by said board.

"Valuations for purposes of leasing shall be made from plats, records and information on file in the office of the commissioner of state lands and investments, by competent persons, qualified for this work. Beginning February 28, *1948*, except in such leases as the rental rate has been fixed by competitive bidding, the annual rental under leases of state grazing lands outstanding July 1, *1947*, shall be increased by twenty per cent (20%) thereof; *provided, however, there shall be no increase in the annual* Valuations for leasing, how made.

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Limtiation relating to increase in rental.

rental under leases based on classification number four, it being specifically intended there shall be no twenty per cent (20%) increase in the annual rental under leases falling within such classification."

Sec. 10, Ch. 207, R. C. M. amended.

Section 4. That Section 10 of Chapter 207 of the Laws of Montana of 1945, be and the same is hereby amended to read as follows:

Leases of agricultural lands, conditions of.

"Section 10. It shall be a condition of all leases of agricultural or grazing state lands, (a) that, in the case of agricultural lands, the lessee shall observe the ordinary rules for good management of agricultural lands and shall so handle the leased land *with the view of maintaining its* productivity *and so that* wind and soil erosion and noxious weeds *are minimized,* and that crops are so planted *with a view of securing* the greatest yields of good quality, and (b) that, in the case of grazing lands, the lessee shall observe the ordinary rules for good range management and shall so manipulate the numbers, class, distribution and season of the range *use* and the handling, feeding, breeding and marketing of grazing livestock *with a view of securing the production of* the maximum of livestock and livestock products, consistent with the conservation of the land resources and the perpetuation of its productivity, *and to these ends the state land leased shall not be abused by overgrazing.*

Same, as to grazing leases.

Cancellation of lease, cause for.

"For the gross violation of any of said rules, the lease involved may be cancelled by the state board of land commissioners upon recommendation of the commissioner, *after notice to the lessee and opportunity of full hearing on the question of such gross violation.*"

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 255

An Act Relating to the Transaction of Insurance and the Supervision Thereof by the Commissioner of Insurance, Including the Making, Fixing and Regulation of Rates

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and Premiums; Providing for the Licensing and Regulation of Rating Bureaus and Organizations, and Permitting Insurers to Become Members or Subscribers in Such Rating Bureaus; Information to Be Furnished by Every Rating Bureau; Prescribing Rating Standards; Power of Commissioner of Insurance; Defining Group of Insurers; Providing for Hearing Procedure and Judicial Review of the Commissioner; Requiring Rate Filings by Insurers and Rating Bureaus; and Providing for Disapproval of Such Rate Filings by Commissioner of Insurance; Providing for Examination of Rating Bureau; Prohibiting Regulation of Dividends; Regulating Deviations; Providing for Regulation of Advisory Organization, Joint Underwriting or Joint Reinsurance; Prescribing Penalties for Violations of This Act; repealing All Acts and Parts of Acts in Conflict Herewith, and Providing for the Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. **Purpose of Act:** The purpose of this act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory, and that the solvency of insurers will not be endangered, and to authorize and regulate cooperative action among insurers in rate making and other matters within the scope of this act. Nothing in this act is intended (1) to prohibit or discourage reasonable competition, or (2) to prohibit, or encourage except to the extent necessary to accomplish the aforementioned purpose, uniformity in insurance rates, rating systems, rating plans or practices.

Scope of act.

Section 2. **Scope of Act:** This act shall apply to all insurers licensed in this state to effect insurance on risks enumerated in paragraphs 1, 3 and 4 of Section 6136 of the Revised Codes of Montana of 1935, and to workmens compensation insurance. This act shall not apply to reinsurance, other than joint reinsurance to the extent stated in Section 14.

Section 3. **Rating Bureau and Organization:**

Rating bureau and organization.

(a) Subject to the provisions of this act, two or more admitted insurers, not members of a "group" as herein-

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after set forth, may act in concert with each other and with others with respect to all matters pertaining to the making of rates, rating plans or rating systems or the prepartion of making insurance policy or bond forms, underwriting rules, surveys, inspections and investigations or the furnishing of loss or expense statistics or other information and data, or carrying on of research and shall be known as a rating bureau. No insurer or "group" shall be deemed to be a rating organization.

Application for license as a rating organization.

(b) Any corporation, unincorporated association, partnership, or individual, whether located within or outside this state, may make application for and obtain a license as a rating organization. To obtain a license as a rating organization, every such corporation, unincorporated association, partnership or individual shall file with the insurance commissioner of the State of Montana, hereinafter referred to as commissioner, (1) a copy of its constitution, its articles of agreement or association or its certificate of incorporation, and of its by-laws, rules and regulations governing the conduct of its business, (2) a list of its members and subscribers, (3) the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such rating organization may be served and (4) a statement of its qualifications as a rating organization. If the commissioner finds that the applicant meets the licensing requirements of this act applicable to it and is trustworthy and competent to act as a rating organization he shall issue a license. Licenses issued pursuant to this section shall remain in effect for three (3) years unless sooner suspended or revoked by the commissioner. The fee for said license shall be twenty-five ($25.00) dollars. Said license fee shall be in lieu of all other fees, licenses or taxes to which said rating organization might otherwise be subject.

Licenses.

Fee.

Rating organization regulations.

Section 4. **Rating Organization Regulations:** A rating organization shall: (1) permit any admitted insurer or "group" to obtain and use at its option such rating organizations' rates and rating manuals at a reasonable cost without discrimination and without any requirement to become a member or subscriber; (2) permit any admitted insurer or "group" to become a member of or a subscriber to such rating organization or withdraw therefrom; (3) neither have nor adopt any rule or exact any

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agreement, the effect of which would be to require as a condition to membership or subscription any member or subscriber to adhere to its rates, rating plans or rating systems; (4) neither adopt any rule or exact any agreement the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers. A plan for the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers shall not be deemed to be a rating plan or system.

Rating bureau rates and surveys.

Section 5. **Rating Bureau Rates and Surveys:** Every rating bureau engaged in making rates or estimates for rates on property in this state shall inspect every risk specially rated by it on schedule and make a written survey of the risk, which shall be filed as a permanent record in the office of the bureau. A copy of this survey shall be furnished to the owner upon request.

Rating standards.

Section 6. **Rating Standards:** No insurance company or other insurer making its own rates subject to the provisions of this act, nor any rating bureau shall fix or charge any rate for insurance upon property in this state which discriminates unfairly between risks in the application of like charges and credits or which discriminates unfairly between risks of essentially the same hazard and having substantially the same degree of protection, nor shall any rate be such as to endanger the solvency of such insurer. Nor shall any insurance company or other insurer or rating bureau engage in any unfair method of competition in commerce, or engage in any unfair or deceptive acts or practices in commerce.

All rates shall be made in accordance with the following provisions:

(a) Due consideration shall be given to past and prospective loss experience within and outside this state, to catastrophe hazards, if any, to a reasonable margin for underwriting profit and contingencies, to dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers, to past and prospective expenses both countrywide and those specially applicable to this state, and to all other relevant factors within and outside this state.

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(b) Rates shall not be excessive, inadequate or unfairly discriminatory.

Rates for casualty insurance, provisions applicable.

(c) Rates for casualty insurance to which this act applies shall be subject to the following provisions:

1. The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

2. Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

Rates for fire, marine and inland insurance, provisions applicable.

(d) Rates for fire, marine and inland marine insurance to which this act applies shall also be subject to the following provisions:

1. Manual, minimum class rates, rating schedules or rating plans, shall be made and adopted, except in the case of specific inland marine rates on risks specially rated.

2. Due consideration shall be given to the conflagration hazards, and in the case of fire insurance rates consideration shall be given to the experience of the fire insurance business during a period of not less than the most recent five-year period for which such experience is available.

Uniformity among insurers.

(e) Except to the extent necessary to meet the provisions of subsection (b) of this section, uniformity among insurers in any matters within the scope of this section is neither required nor prohibited.

(f) Rates made in accordance with this section may be made subject to the provisions of this act.

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Section 7. **Power of Commissioner of Insurance:** The commissioner of insurance shall have the power at any time on written petition or upon his own motion to review any rate fixed by any insurer making its own rates or by any rating bureau for insurance upon property within this state, for the purpose of determining whether the same is excessive, inadequate or unfairly discriminatory. He shall have the power and authority to order the excessive, inadequate or discriminatory rate removed and fix and order a rate in lieu of the rate made by any such insurer or the bureau rate found to be excessive, inadequate or unfairly discriminatory, and the rate so ordered and fixed shall become the established rate. No rate shall be held to be excessive, inadequate or unfairly discriminatory if the commissioner finds that free competition exists in the area and classification covered by such rate. No rate shall be held to be inadequate unless the commissioner finds that the continued use of such rate shall endanger the solvency of the insurer charging such rate.

Power of commissioner of insurance.

Section 8. **Group of Insurers:** Two or more insurers who are not members of or subscribers to a rating organization and who by virtue of their business association in the United States represent themselves to be or are customarily known as a "group", or similar insurance trade designation, shall have the right to use the same rates for each such insurer subject to the provisions of this act; and nothing contained in this act shall be construed to prohibit an agreement to make or use the same rates and concerted action in connection with such rates by such insurers.

Group of insurers.

Section 9. **Hearing Procedure:** If at any time the commissioner finds that a rate to which this act applies does not meet the requirements of this act he may, after a hearing held upon not less than twenty (20) days' written notice, specifying the matters to be considered at such hearing, to every insurer which makes its own rates or rating organization which made such rate, issue an order specifying in what respects he finds that such rate fails to meet the requirements of this act, and stating when, within a reasonable period thereafter, such rate shall be deemed no longer in effect. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order. Copies

Hearing procedure.

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of any such order shall be sent to every such insurer and rating organization.

Appeal and judicial review.

Section 10. **Appeal and Judicial Review:** Any person, insurer or rating organization aggrieved by any order or decision made by the commissioner of insurance may appeal therefrom to the district court of the county where the aggrieved party may reside, or to the district court of Lewis and Clark County, Montana, within thirty (30) days from the making and filing of the order or decision, by filing in the office of the commissioner of insurance a notice of the appeal in writing and in this case the commissioner of insurance shall within twenty (20) days after filing of the notice, make and return to the district court a full and complete certified transcript of the finding and order appealed from and of all parts relative thereto on file in his office, including the notice of appeal, and upon the filing of the certified transcript all matters involved therein shall be brought on for trial upon the merits at the next term of the court after the filing of the transcript, unless otherwise ordered by the court; and upon the trial the findings of fact on which the order is based shall be prima facie evidence of the matters therein stated. During the pendency of the proceedings upon review the order of the commissioner of insurance shall be suspended, but in the event of a final determination against any insurer, any overcharge by the insurer during review shall be refunded to the persons entitled thereto.

Rate filings and disapproval of filings.

Section 11. **Rate Filings and Disapproval of Filings:** The commissioner of insurance may in his discretion address inquiries to any individual, association or bureau which is or has been engaged in making rates or estimates for rates as provided for in this act in relation to its organization, maintenance, or operation, or any other matter connected with its transactions and shall require the filing of schedules, rates, forms, rules, regulations, and other information; and it shall be the duty of every such individual, association or bureau, or some officer thereof, to promptly make such filing and reply to such inquiries in writing.

Manuals of classification, etc., to be filed with commissioner by rating bureaus.

(a) 1. Under this section every rating bureau shall file with the commissioner every manual of classifications, rules and rates, every rating plan and every modification

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of any of the foregoing which it proposes to use for casualty insurance to which this act applies.

Insurers required to file manuals, etc., with commissioner.

2. Every insurer shall file with the commissioner, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual, minimum, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use for fire, (except fire on motor vehicles written by casualty insurers) marine and inland marine insurance to which this act applies. Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

Information to be stated in such filings.

(b) Every such filing shall state the proposed effective date thereof, and shall indicate the character and extent of the coverage contemplated. When a filing is not accompanied by the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether such filing meets the requirements of the act, he shall require such insurer to furnish the information upon which it supports such filing, and in such event the waiting period shall commence as of the date such information is furnished. The information furnished in support of a filing may include: (1) the experience or judgment of the insurer or rating organization making the filing, (2) its interpretation of any statistical data it relies upon, (3) the experience of other insurers or rating organizations, or (4) any other relevant factors. A filing and any supporting information shall be open to public inspection after the filing becomes effective.

Insurer may satisfy duty to make such filing, how.

(c) An insurer may satisfy its obligation to make such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings, and by authorizing the commissioner to accept such filings on its behalf; provided, that nothing contained in this act shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization.

Review of filings by commissioner.

(d) The commissioner shall review filings as soon as reasonably possible after they have been made in order to determine whether they meet the requirements of this act.

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Filings become effective, when.

(e) Subject to the exception specified in subsection (f) and (g) of this section, each filing shall be on file for a waiting period of fifteen (15) days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed fifteen (15) days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for the consideration of such filing. Upon written application by such insurer or rating organization, the commissioner may authorize a filing which he has reviewed to become effective before the expiration of the waiting period or any extension thereof. A filing shall be deemed to meet the requirements of this act unless disapproved by the commissioner within the waiting period or any extension thereof.

Special filings with respect to surety or guaranty bond.

(f) Any special filing with respect to a surety or guaranty bond required by law or by court or executive order or by order, rule or regulation of a public body, not covered by a previous filing, shall become effective when filed and shall be deemed to meet the requirements of this act until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

Specific inland marine rates, effective when.

(g) Specific inland marine rates on risks specially rated by a rating organization shall become effective when filed and shall be deemed to meet the requirements of this act until such time as the commissioner reviews the filing and so long thereafter as the filing remains in effect.

Authority of commissioner.

(h) Under such rules and regulations as he shall adopt the commissioner may, by written order, suspend or modify the requirements of filings as to any kind of insurance, subdivision or combination thereof, or as to classes of risks, the rates for which cannot practicably be filed before they are used. Such orders, rules and regulations shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as he may deem advisable to ascertain whether any rates affected by such order meet the standards set forth in subsection (b) of Section 6.

Rate in excess of filed rate, permissible, when.

(i) Upon the written application of the insured, stating his reasons therefor, filed with and approved by the

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commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

Notice of disapproval of filing, to be sent to insurer or rating organization.

(j) If within the waiting period or any extension thereof as provided in subsection (e), the commissioner finds that a filing does not meet the requirements of this act, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this act and stating that such filing shall not become effective.

Commissioner shall give notice of disapproval of surety or guaranty rating on specific inland marine rate.

(k) If within thirty (30) days after a special surety or guaranty filing subject to subsection (f) has become effective, or if within thirty (30) days after a specific inland marine rate on a risk specially rated by a rating organization subject to subsection (g) has become effective, the commissioner finds that such filing does not meet the requirements of this act, he shall send to the insurer or rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this act and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract made or issued prior to the expiration of the period set forth in said notice.

Disapproval by commissioner after review period, notice of hearing.

(l) If at any time subsequent to the applicable review period provided for in subsection (j) or (k) of this section, the commissioner finds that a filing does not meet the requirements of this act, he shall, after a hearing held upon not less than ten (10) days' written notice, specifying the matters to be considered at such hearing, to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(m) Any person or organization aggrieved with respect to any filing which is in effect may make written

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Application to commissioner by aggrieved person or organization for hearing, and procedure thereon.

application to the commissioner for a hearing thereon, provided, however, that the insurer or rating organization that made the filing shall not be authorized to proceed under this subsection. Such application shall specify the grounds to be relied upon by the applicant. If the commissioner shall find that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established, and that such grounds otherwise justify holding such a hearing, he shall, within thirty (30) days after receipt of such application, hold a hearing upon not less than ten (10) days' written notice to the applicant and to every insurer and rating organization which made such filing. If, after such hearing, the commissioner finds that the filing does not meet the requirements of this act, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of this act, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to the applicant and to every such insurer and rating organization. Said order shall not effect any contract or policy made or issued prior to the expiration of the period set forth in said order.

Manuals, rules, rating plans, etc., meeting requirements of this act may not be disapproved.

(n) No manual of classifications, rules, rating plans, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, in the case of casualty insurance to which this act applies, and no manual, minimum, class rate, rating schedule, rating plan or rating rule, or any modification of the foregoing, in the case of fire insurance to which this act applies, and which has been filed pursuant to the requirements of this section shall be disapproved if the rates produced meet the requirements of this act.

Examination of rating bureau.

Section 12. **Examination of Rating Bureau:** The commissioner of insurance shall have the power to examine any such rating bureau as often as he deems it expedient to do so and shall do so not less than once every three (3) years. A report thereof shall be filed in his office. The commissioner of insurance may waive such examination upon the filing with him of a report of an examination made by some other insurance department or proper supervising officer within the three (3) years. The cost of such examination shall be borne by the bureau so exam-

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ined. A statement in regard to such examination shall be made in the annual report of the commissioner of insurance.

Section 13. **Prohibiting Regulation of Dividends; Regulating Deviations:** Nothing in this act shall be construed to prohibit or regulate the payment of dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

Prohibiting regulation of dividends.

(a) In connection with regulating deviations, every member of or subscriber to a rating organization shall adhere to the filings made on its behalf of such organization except that:

Deviations from filings.

1. In the case of casualty insurance to which this act applies any such insurer may make written application to the commissioner for permission to file a uniform percentage decrease or increase to be applied to the premiums produced by the rating system so filed for a kind of insurance, or for a class of insurance which is found by the commissioner to be a proper rating unit for the application of such uniform percentage decrease or increase, or for a subdivision of a kind of insurance (1) comprised of a group of manual classifications which is treated as a separate unit for rate making purposes, or (2) for which separate expense provisions are included in the filings of the rating organization. Such application shall specify the basis for the modification and shall be accompanied by the data upon which the applicant relies. A copy of the application and data shall be sent simultaneously to such rating organization; and

Application by insurer in case of casualty insurance for deviation from filings.

2. In the case of fire, marine, and inland marine insurance to which this act applies any insurer may deviate from the bureau rate by notifying the commissioner in writing ten (10) days before the deviation is to become effective. Should the commissioner find such rate unfair, discriminatory, or of such a nature as to affect the solvency of the insurer, he shall order a hearing. The commissioner shall set a time and place for a hearing at which all interested parties may be heard and shall give the insurer not less than ten (10) days' written notice thereof. The commissioner after the hearing shall make an order either approving or disapproving the rate and any interested party may appeal from the ruling of the commis-

Deviation by insurer in case of fire, marine, and inland marine, insurance, notice to commissioner, and hearing.

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sioner to the court as in this act provided and during the pendency of the appeal the commissioner's order shall be held in abeyance. If any insurer grants a lower rate on any class of property than that fixed by the bureau of which it is a member or subscriber, this rate shall not be increased by the insurer until one (1) year has elapsed without first securing the approval of the commissioner. A declaration filed with the commissioner of insurance by any insurer of its intention to write insurance at a uniform variation of a certain per cent from the bureau rate shall be sufficient compliance with this act.

Time and place of hearing to be set by commissioner.

(b) The commissioner shall set a time and place for a hearing at which the insurer and such rating organization may be heard and shall give them not less than ten (10) days' written notice thereof. In the event the commissioner is advised by the rating organization that it does not desire a hearing he may, upon the consent of the applicant, waive such hearing. The commissioner shall issue an order permitting the modification for such insurer to be filed if he finds it to be justified and it shall thereupon become effective. He shall issue an order denying such application if he finds that the modification is not justified or that the resulting premiums would be excessive, inadequate or unfairly discriminatory.

Orders by commissioner.

Section 14. **Advisory Organization; Joint Underwriting or Joint Reinsurance:**

Advisory organization.

(a) Every group, association or other organization of insurers, whether located within or outside this state, which assists insurers which make their own filings or rating organizations in rate making, by the collection and furnishing of loss or expense statistics, or by the submission of recommendations, but which does not make filings under this act, shall be known as an advisory organization.

Duty of to file with commissioner, what.

(b) Every advisory organization shall file with the commissioner (1) a copy of its constitution, its articles of agreement or association of its certificate of incorporation and of its by-laws, rules and regulations governing its activities, (2) a list of its members, (3) the name and address of a resident of this state upon whom notices or orders of the commissioner or process issued at his direction may be served, and (4) an agreement that the commissioner may examine such advisory organization in accordance with the provisions of Section 12 of this act.

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Duty and authority of commissioner.

(c) If, after a hearing, the commissioner finds that the furnishing of such information or assistance involves any act or practice which is unfair or unreasonable or otherwise inconsistent with the provisions of this act he may issue a written order specifying in what respects such act or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act, and requiring the discontinuance of such act or practice.

Statistics or recommendations by advisory organizations which are not in compliance.

(d) No insurer which makes its own filings nor any rating organization shall support its filings by statistics or adopt rate making recommendations, furnished to it by an advisory organization which has not complied with this section or with an order of the commissioner involving such statistics or recommendations issued under subsection (c) of this section. If the commissioner finds such insurer or rating organization to be in violation of this subsection he may issue an order requiring the discontinuance of such violation.

Joint underwriters and joint reinsurers subjected to regulation.

(e) Every group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, shall be subject to regulation with respect thereto as herein provided, subject, however, with respect to joint underwriting, to all other provisions of this act, and, with respect to joint reinsurance, to Section 12 of this act.

Authority of commissioner with respect to activities inconsistent with this act.

(f) If, after a hearing, the commissioner finds that any activity or practice of any such group, association or other organization is unfair or unreasonable or otherwise inconsistent with the provisions of this act, he may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this act and requiring the discontinuance of such activity or practice.

Section 15. **Penalties**: Any person or insurance company or other insurer or rating bureau found guilty of violating any of the provisions of this act shall be subject to a fine of one hundred ($100.00) dollars for each such violation, which fine shall be paid into the state public school general fund.

Penalties.

Section 16. **Constitutionality**: If any section, provision, clause or phrase of this act be adjudged unconstitutional or invalid by any court for any reason, such adjudication shall not affect the validity of this act as a whole,

Constitutionality of act.

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or any section or provision thereof which is not specifically so adjudged unconstitutional or invalid.

Laws repealed.

Section 17. **Laws Repealed**: All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 18. **Effective Date**: This act shall become effective on the 1st day of January, 1948, and all insurance companies, other insurers and rating bureaus affected hereby shall have such reasonable time thereafter to comply herewith as shall be granted by the commissioner of insurance.

Approved March 10, 1947.

CHAPTER 256

An Act to Authorize the Veterans' Welfare Commission to Accept From the Federal Government or Any Agency Thereof Any Funds to Carry Out Its Purposes; to Provide For Authority to Sign Contracts For Reimbursement Purposes and to Provide For the Survey of the Industrial Establishments For On-the-Job Training and In the Apprenticeable Trades.

Be it enacted by the Legislative Assembly of the State of Montana:

Veterans' welfare commission authorized to accept funds.

Section 1. The veterans' welfare commission is hereby authorized to accept from the federal government, or any agencies thereof, any funds made available to carry out purposes within the scope of the activities and commission purposes of the veterans' welfare commission and to accept such funds as said veterans' welfare commission may direct.

Contracts with federal government.

Section 2. The governor of the State of Montana and the chairman and the secretary of the veterans' welfare commission be and they are hereby authorized to sign contracts with the federal government or any agency thereof for the reimbursement of the veterans' welfare commission for any work which the veterans' welfare commission may do for which any federal statute provides reimbursement to the states.

Qualifications of establishments for on-the-job training to veterans, commission empowered to ascertain.

Section 3. The veterans' welfare commission is hereby empowered to render the necessary services in ascertaining the qualifications of the industrial establishments for furnishing training on-the-job to veterans under the prosisions of Part VIII, Public Law No. 346 of the Seventy-

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Eighth Congress, as amended, and the supervision of the industrial establishments furnishing such training; provided, however, that all surveys and/or investigations of industrial establishments desiring to offer training in any of the apprenticeable trades shall be referred to the Montana state apprenticeship council implementing the provisions of Chapter 149 of the Session Laws of the twenty-seventh legislative assembly of 1941, as amended.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 257

An Act to Amend Sections 1174 and 1175 of the Revised Codes of Montana of 1935, Relating to Approval By the State Board of Health of Plans and Specifications For School Buildings, Fixing Certain Standards Therefor and Empowering the State Board of Health to Promulgate Regulations Concerning the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1174 R. C. M. amended.

Section 1. That Section 1174 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

School building architecture, approval of by state board of health required.

"1174. **Architecture — Approval of State Board of Health Required.** No school *building in the state, either publicly or privately owned or operated,* shall hereafter be erected, repaired, or enlarged until the plans and specifications thereof shall have been submitted to the state board of health, and its approval endorsed thereon. Such plans and specifications shall show in detail the ventilation, the heating, and lighting of such building."

Sec. 1175 R. C. M. amended.

Section 2. That Section 1175 of the Revised Codes of Montana of 1935, be and the same is hereby amended to read as follows:

"1175. **Floor Space — Air — Light —** *Regulations by* **Board of Health.** The state board of health shall not

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approve plans for the erection of any school building, or addition thereto or remodeling thereof unless the same shall provide (a) at least fifteen (15) square feet of floor space and two hundred (200) cubic feet of air space for each pupil to be accommodated in each study or recitation room therein; (b) a system of ventilation which shall in the judgment of said state board of health be adequate to produce satisfactory conditions of air in *all* school rooms at all times and under all conditions; (c) *a* ventilation system of *fire resistant* material *and construction, and* (d) *a system of heating that shall be considered by the state board of health as fully adequate, and (e) a system for lighting all parts of the building that shall produce at all times illumination of such quality and quantity as shall be satisfactory to the state board of health.*

Minimum floor and air space.

Ventilation.

Heating.

Lighting.

Regulations by state board of health.

"The state board of health shall, from time to time, as deemed necessary, adopt regulations in the manner provided by law, setting forth the requirements for school sites, school buildings, ventilation, heating, lighting, water supply, sewage and waste disposal, and such other matters as pertain to the health and physical well-being of the students, teachers and others who frequent schools.

"Any contractor, architect, school board *or any other person, firm or corporation* who shall violate the provisions of this act, *or of any regulation promulgated under this act* shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00)."

Penalty.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1947.

CHAPTER 258

An Act to Provide For the Issue and Sale By the State Board of Examiners of Bonds For the Purpose of Erecting and Furnishing a State Laboratory Building As An Adjunct to the State Capitol Building; Designating the Funds From Which Said Bonds Shall Be Paid; Providing For a State Laboratory Building Interest

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and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners In Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Issue and sale of bonds for state laboratory building authorized.

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of erecting and furnishing a state laboratory building as an adjunct to the state capitol building at Helena, Montana, said building to be erected upon a site upon the present capitol building grounds or upon lands owned or hereafter acquired by the state as a part of said site.

Employment of architect, and erection of building.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect to complete plans; and to proceed with the erection of a building of suitable construction and design for use as a laboratory building, in accordance with the plans and specifications heretofore prepared by the state laboratories commission in accordance with Chapter 78 of the Laws of the twenty-ninth legislative assembly, 1945.

Call for bids.

Section 3. The state board of examiners shall call for bids for the construction of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractor to give bond to the State of Montana in such amount as the board may determine, conditioned for the faithful performance of his duties and contracts.

Aggregate amount of bonds.

Section 4. The aggregate amount of bonds authorized by this act for the purpose herein expressed shall not exceed the sum of six hundred thousand dollars ($600,000.00).

Interest rate, and other provisions relating to bonds.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at a rate not exceeding four per cent (4%) per annum, payable semi-annually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable three (3) years after the date of issue and on

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any interest payment date thereafter, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Sale and registration of bonds.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, subject only to the prior dedication and appropriation of monies therefrom for the payment of principal and interest of bonds that are or may be issued pursuant to Chapter 204 of the Laws of the twenty-ninth legislative assembly, 1945, or that may be issued pursuant to House Bill Number Six (House Bill No. 6), of the thirtieth legislative assembly, 1947, shall be and the same is hereby perpetually dedicated and appropriated for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capitol building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, in excess of the amount heretofore dedicated and appropriated by said Chapter 204 of the Laws of the twenty-ninth legislative assembly, 1945, or that may be dedicated and appropriated by House Bill Number Six (House Bill No. 6) of the thirtieth legislative assembly, 1947, shall likewise be and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act and to cover and pay the cost of erecting and furnishing of said building to the extent said balances or accruals to said fund may

Funds from which principal and interest of bonds shall be payable.

Appropriation.

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be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in or that may be accrued to said capitol building land grant in order to make available for such erection and furnishing of said building a total of six hundred thousand dollars ($600,000.00).

Only amount of bonds necessary may be issued and sold.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state laboratory building interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the erection and furnishing of said building.

State laboratory building interest and sinking fund.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Budget act not applicable.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Separability of act.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 10, 1947.

CHAPTER 259

An Act to Amend Section 618 of the Revised Codes of the State of Montana, 1935, as Amended by Chapter 105 of the Montana Session Laws of 1943, Relating to the Time of Filing Certificates of Nomination by Candidates For Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 618 of the Revised Codes of Montana, 1935, as amended by Chapter 105 of the Montana Session Laws of 1943, be and the same is hereby amended to read as follows:

Sec. 618 R. C. M. as amended further amended.

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"618. *When* **Certificate to Be Filed.** Certificate of nomination to be filed with the *secretary of state* must be filed *not more than sixty (60) days and* not less than *thirty (30) days* before *the date fixed by law for* the election. *Certificates of nomination herein directed to be filed with the county clerk must be filed not more than sixty (60) days and not less than thirty (30) days before the election*; certificates of nomination of candidates for municipal offices must be filed with the clerks of the respective municipal corporations not more than thirty (30) days and not less than ten (10) days previous to the day of election; but the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies."

When certificate to be filed.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 260

An Act to Authorize the Creation of a Supplemental Revolving Fund For the Guaranty of Special Improvement District Bonds of Cities and Towns, Authorizing the Pledging of Net Income From Parking Meters to Such Fund, and Providing For the Issuance of Bonds With the Guaranty of Such Fund, and For the Determination of the Validity of Such Proceedings.

Be it enacted by the Legislative Assembly of the State of Montana:

Supplemental revolving fund out of revenues of parking meters, authority of cities and towns to establish.

Section 1. A city or town may create, establish, and maintain a supplemental revolving fund out of the net revenues of parking meters to secure prompt payment of principal of and interest on special improvement district bonds issued under the provisions of this act for improvements undertaken pursuant to Sections 5225 to 5277.5 inclusive of the Revised Codes of Montana, 1935, for the following purposes: paving, repaving, macadamizing, remacadamizing, surfacing, resurfacing, oiling, recoiling, graveling, regraveling, piling, repiling, capping, recapping, grading or regrading one or more streets, alleys,

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avenues or other public places or ways in said city or town and/or constructing therein curbs or gutters or for the opening or widening of any street, avenue, alley or other public way, provided that the provisions of this act shall not be applicable to any improvement unless the council shall find that eighty (80%) per cent or more in area of the total parcels to be assessed for such improvement have been improved by the erection of permanent buildings or structures thereon having a value greater than the value of such parcels without such improvements according to the last assessment roll.

Procedure.

Section 2. A supplemental revolving fund may be created by ordinance subject to the approval of a majority of the qualified electors voting upon the question at a general or special election. As used in this act "qualified electors" shall mean registered electors whose names appear upon the last preceding assessment roll for state and county taxes as taxpayers upon property within the municipality. The supplemental revolving fund shall be created and maintained solely from the net revenues of parking meters and the ordinance may pledge to said fund all or any part of the said net revenues of parking meters which may be then owned or leased or rented or thereafter acquired by the city or town. Said ordinance shall contain such provisions in respect to the purchase, control, operation, repair and maintenance of parking meters, including rates to be charged, and the application of the net revenues therefrom and the management and use of the supplemental revolving fund as the council shall deem necessary.

"Qualified electors."

Contents of ordinance.

Section 3. At any time after the award of the contract for any of the improvements described in Section 1 hereof and prior to the issuance of bonds or warrants therefor under the provisions of Section 5249, Revised Codes of Montana, 1935 as amended, the council may by resolution determine that such improvement is of a character that bonds may be issued hereunder in lieu of bonds under said Section 5249, and may submit to the qualified electors of the city or town the question whether such bonds shall be issued. The proposal to issue bonds may be submitted at the same election as the proposal to create the supplemental revolving fund and must be approved by a majority of the qualified electors voting on the question.

Issuance of bonds hereunder or under R. C. M. Sec. 5249, submission of question to electors.

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Section 4. Whenever the council has been authorized to issue bonds hereunder, the council may by resolution determine to issue such bonds and provide for the guaranty thereof by the supplemental revolving fund. Such resolution shall fix the amount, maturity, and interest rate and provide for the sale of bonds in such manner as the council shall determine. The governing body of the municipality in determining the cost of said improvement may include estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, cost of the parking meters, and interest which it is estimated will accrue during the construction period and for six (6) months thereafter on money borrowed or which it is estimated will be borrowed for the special improvements for which bonds are issued. The bonds may mature at one time, not exceeding the maximum maturity of the assessments to be levied for said improvement or may mature in installments at various times during the term of said assessments, but in no event shall such bonds mature beyond ten (10) years from date thereof. Said bonds shall bear interest payable annually or semi-annually, not exceeding four and one-half (4½%) per cent per annum, as the council shall determine, shall be subject to redemption prior to maturity if so determined by the council, and may be payable at any suitable bank or trust company either within or without the State of Montana. The resolution providing for the issuance of bonds may also contain such reasonable covenants for the protection of the holders thereof as the council may determine. The bonds issued hereunder shall be in substantially the form provided in Section 5249, Revised Codes of Montana, 1935, as modified by the provisions hereof.

Amount, maturity, interest rate and sale of bonds to be determined by resolution of the council.

Maturity of bonds.

Maximum interest rate.

Form of bonds.

Section 5. Moneys in the supplemental revolving fund shall first be loaned to the various district funds whose bonds are guaranteed hereunder to make up any deficiency in such fund. In event of any further deficiency in such funds, the moneys in the Revolving Fund created under Sections 5277.1 to 5277.5, Revised Codes of Montana, 1935, may be loaned to make good such deficiency pursuant to the provisions of said sections. In event that the deficit exceeds the moneys in the supplemental revolving fund then the moneys in the revolving fund may be similarly loaned until the deficiency has been made good. A deficiency shall exist in any district fund whenever principal and interest is due and there are no moneys in the fund

Operation of fund.

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to pay the same and the authorizing resolution may provide that bonds shall become due in accordance with a plan of redemption prior to the stated maturity date. Both revolving funds shall thereafter have concurrent liens on the unpaid assessments and the moneys in the improvement district fund for all such advances, provided that such advances shall not be returned so long as any principal or interest on bonds issued hereunder remains unpaid.

Section 6. All agreements, conditions, covenants or restrictions in the ordinance creating the supplemental revolving fund, the resolution determining that the improvement is of a character for which bonds may be issued under this act and in the resolution authorizing the issuance of bonds shall be binding upon the city or town and may not be thereafter altered or amended to the detriment of the rights of any bond holder so long as any of such bonds are outstanding. The provisions of this act and the rights granted under any such ordinance or resolution may be enforced by any bond holder by mandamus or other appropriate suit, action, or proceeding in any court of competent jurisdiction.

Ordinance and resolutions binding upon city or town.

Section 7. Within ten (10) days after the adoption of the resolution providing for the issuance of bonds hereunder, the council may file a petition in the district court of the judicial district wherein said city or town is located to determine the validity of the proceedings theretofore had relative to the issuance of said bonds, the creation of the supplemental revolving fund, and the levy of a special assessment. Such action shall be in the nature of a proceeding in rem and jurisdiction of all parties interested shall be had by notice given as hereinafter provided. The petition shall set forth generally the facts in reference to the improvement, the creation of the supplemental revolving fund and the issuance of bonds, and shall have as exhibits thereto certified copies of the ordinances and resolutions and shall pray for confirmation of the proceedings and of the bond issue and the special assessments, if theretofore levied. Upon the filing of said petition, the district court or any judge thereof shall fix the time for hearing on said petition, which shall not be less than fifteen (15) days from the date of filing the petition in said court and shall order the clerk of the court to give notice of the filing of said petition and the

Court action to determine validity of proceedings.

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date of hearing thereon by publication at least once a week for two (2) calendar weeks in a newspaper published or of general circulation in the county where the city or town is situated, and also by posting a written or printed copy thereof in at least three (3) public places in each voting precinct of said city or town, the date of first publication and posting to be not less than fifteen (15) days prior to the date fixed for hearing. The notice shall state the substance of the petition and the time and place for hearing and that any person interested or whose rights may be affected by the issuance or sale of said bonds or the levy of said special assessment may on or before the day fixed for hearing of said petition demur to or answer said petition and may appear at said hearing and contest the granting of the prayer of said petition and the entry of any order of confirmation pursuant thereto. Any person so notified to appear may enter his appearance in such proceedings and demur to or answer the petition and contest the granting of the prayer of said petition and all provisions of the code of civil procedure shall be applicable to said proceedings. If upon the hearing the court shall find and determine that the requirements of this act have been complied with and notice of the hearing duly given as required by law, it shall have power to examine and determine the regularity, legality and validity of the proceedings relative to the issuance of the bonds and the levy of special assessments and the legality and validity of the bonds and the special assessment and may ratify, approve, and confirm the said proceedings in whole or in part and enter its judgment or decree accordingly. From any such judgment or decree an appeal may be taken to the supreme court at any time within ten (10) days from the entry of such judgment in the manner prescribed by the code of civil procedure governing appeals from the district court to the supreme court. If no such appeal be taken within the time aforesaid, or if the judgment or decree of the district court be affirmed upon such appeal, such judgment or decree shall be forever conclusive upon all the world as to the validity of the bonds and the special assessment and the same shall never be called into question in any court of the state. The cost of said proceedings shall be alloted or apportioned between the parties in the discretion of the court.

Appeal to the supreme court.

Finality of judgment or decree with respect to validity of bonds.

Separability of act.

Section 8. If any provisions of this act or the application of such provision to any person, body or circum-

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stance shall be held invalid, the remainder of this act or the application of such provisions to persons, bodies or circumstances other than those to which it is held invalid shall not be affected thereby.

Repealing clause.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 261

An Act to Amend Section 1882.1, Revised Codes of Montana, 1935, As Amended By Chapter 90 of the Session Laws of 1943, Relating to Oil and Gas Leases, to Provide For the Payment of Rentals to, and Leasing By purchasers of Mortgage Lands Owned By the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1882.1 R. C. M. as amended further amended.

Section 1. That Section 1882.1 of the Revised Codes of Montana, 1935, as amended by Chapter 90 of the Montana Session Laws of 1943, be and the same is hereby amended to read as follows:

State oil and gas leases.

"1882.1. **State Oil and Gas Leases — Reservations — Royalty—Waste.** The state board of land commissioners is hereby authorized and empowered to lease in such manner as it may determine, not inconsistent with the enabling act and the constitution, any state lands to which the title has vested in the state and in which the oil and gas rights are not reserved by the United States, for prospecting and exploring for oil and gas, mining, drilling, developing and removing the same upon the terms and conditions herein prescribed, to any person, association, corporation, domestic or foreign, or municipality qualified under the Constitution and the laws of the State of Montana. This power and authority to lease state lands for such purposes shall extend to and include all lands owned by the state under navigable lakes and streams, and shall also extend to and include all those state lands which have been sold but in which the oil and gas rights have been reserved by the state of Montana;

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but in such cases and in all cases where the lands are under lease for grazing, agriculture or similar purposes, care shall be taken in issuing the oil and gas leases to protect the rights of the purchaser or lessee.

Rights reserved.

"In every oil and gas lease granted pursuant to the terms hereof there shall be reserved unto the State of Montana the right to sell, lease, or otherwise dispose of the surface of the lands covered thereby, subject always to the rights and privileges granted unto the lessee under such oil and gas lease.

Royalty in case of sale of mortgage lands.

"In the case of mortgage lands sold by the state on or subsequent to March 14, 1935, or hereafter sold by it, in which the oil and gas rights belong to and are reserved by and for the state, when the state leases such lands for oil and gas purposes, the holder of such lands under certificate of purchase or other contract, or deed from the state, shall be allowed a royalty of six and one-quarter per centum (6¼%) of the oil and gas produced by such lands, as provided by section 1805.65 of this Code, to be calculated on the same basis as the royalty to be paid to the state as hereinafter provided, and to be paid by the lessee directly to the person or persons entitled thereto, said six and one-quarter per centum (6¼%) royalty to be deducted from the royalty reserved to the state.

One-half of oil or gas lease rentals, bonus or penalty to be credited or paid to certificate of purchase holders of mortgage lands.

"After the date of this act, all such certificate of purchase holders of mortgage lands shall be entitled to one-half (1/2) of all oil or gas lease rentals, bonus or penalty thereafter received by the state, and such one-half (1/2) of the oil or gas lease rentals, bonus or penalty shall be credited to the certificate of purchase until such certificate of purchase is paid in full, and thereafter such one-half (1/2) of the oil or gas rentals collected by the state board of land commissioners shall be paid to the owner.

Conditions of lease.

"Oil and gas leases issued under the provisions of this act shall all be subject to the conditions that the lessee in conducting his explorations and mining or drilling operations shall use all reasonable precautions to prevent waste of oil or gas developed in the land or the entrance of water through wells drilled by him to the oil or gas sands or oil or gas bearing strata to the destruction or injury of the oil or gas deposits. Violations of any of these conditions shall constitute grounds for the forfeiture of the lease after hearing had thereon before the state board of land commissioners."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be effective after its passage and approval. Effective date.

Approved March 10, 1947.

CHAPTER 262

An Act to Amend Section 3847.1, Revised Codes of Montana, 1935, As Amended By Chapter 153, Laws of the Twenty-Eighth Legislative Assembly of the State of Montana, Relating to the Definition of Terms Used In the Act Regulating Motor Carriers, and Providing That the Act Shall Not Be Construed As Affecting the Transportation of Property In Any City, Town, or Village with a Population of Less Than Five Hundred Persons, or In the Commercial Areas Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3847.1, Revised Codes of Montana, 1935, as amended by Chapter 153, Laws of the twenty-eighth legislative assembly of the State of Montana, be and the same hereby is amended to read as follows: Sec. 3847.1 R. C. M. as amended further amended.

"3847.1. **Definition of Terms.** Unless the language or context clearly indicates that different meanings are intended, the following words, terms and phrases shall, for the purposes of this act, be given the meanings hereinafter subjoined to them. Definition of terms.

"(a) The word 'board' means the board of railroad commissioners of the State of Montana. "Board."

"(b) The term 'corporation' means a corporation, company, association or joint stock association. "Corporation."

"(c) The term 'person' means an individual, firm or co-partnership. "Person."

"(d) The word 'certificate' means the certificate of public convenience and necessity authorized to be issued under the provisions of this act. "Certificate."

"(e) The term 'public highway' means every public street, road, highway, or way in this state. "Public highway."

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"Motor vehicle."

"(f) The term 'motor vehicle' shall include all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons and/or property.

"Between fixed termini or over a regular route."

"(g) The words 'between fixed termini or over a regular route' when used in this act, mean the termini or route between or over which any motor carrier usually or ordinarily operates any motor vehicles, even though there may be periodical or irregular departures from said termini or route. Whether or not a motor vehicle is operated by a motor carrier between fixed termini, or over a regular route, or otherwise, within the meaning of this act, shall be a question of fact to be determined by the board.

"Motor carrier."

"(h) The term 'motor carrier', when used in this act, means every person or corporation, their lessees, trustees, or receivers appointed by any court whatsoever, operating motor vehicles upon any public highway in the State of Montana for the transportation of persons and/or property for hire, on a commercial basis either as a common carrier or under private contract, agreement, charter, or undertaking; provided that nothing in this act shall be

Motor vehicles carrying certain property excepted.

construed as affecting *motor vehicles used in carrying property consisting of ordinary livestock or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation, or,* the operation of school busses which are used in conveying school children to and from district or other schools, or the transportation of freight or passengers by motor vehicles when done occasionally and not as a regular business, or the transportation by means of motor vehicles in the regular course of business of employees, supplies,

Further exceptions.

and materials by any person, firm or corporation engaged exclusively in the construction or maintenance of highways, or engaged exclusively in logging or mining operations, insofar as the use of employees, supplies and materials in construction and production is concerned, *or the transportation of property by motor vehicle within any city, town, or village with a population, according to the latest United States census, of less than five hundred persons, or within the commercial areas thereof as determined by the board.*

"For hire."

"(i) The words 'for hire' mean for remuneration of

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any kind, paid or promised, either directly or indirectly. An occasional accommodative transportation service by a person not in the transportation business shall not be construed as a service for hire, even though the persons transported share in the cost or pay for the service.

"(j) The word 'compensation', as used in this act, shall mean the charge imposed upon motor carriers in consideration of the use of the highways in this state by such motor carriers, as provided in Section 3847.16. "Compensation."

"(k) The word 'railroad' means the movement of cars on rails, regardless of the motive power used therefor." "Railroad."

Approved March 10, 1947.

CHAPTER 263

An Act to Prevent the Manufacture, Shipment and Sale of Adulterated or Misbranded Insecticides, Fungicides, Rodenticides, Herbicides, and Other Economic Poisons, Within the State of Montana; Providing For the Registration and Examination of Such Materials; Prescribing the Power and Duties of the Food and Drugs Division and the Director Thereof, and the Power and Duties of the Director of the Agricultural Experiment Station of Montana State College, to Make Rules and Regulations Within the Meaning of This Act; Providing For Imposing Penalties, Disposal of Fines, Effecting Seizures, Delegating of Duties, Co-operation With Other Governmental Agencies, and For Repeal of Sections 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613 and 2614 of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Short Title.** This act may be cited as the Montana Insecticide, Fungicide, and Rodenticide Act of 1947. Short title.

Section 2. **Definitions for the Purpose of This Act:** Definitions.

(a) The term "economic poison" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other forms of plant or animal life or "Economic poison."

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viruses, except viruses or fungi on or in living man or other animals, which the director of the agricultural experiment station of Montana state college, shall declare to be a pest.

"Insecticide." (b) The term "insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects which may be present in any environment whatsoever.

"Fungicide." (c) The term "fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi.

"Rodenticide." (d) The term "rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animals which the director of the agricultural experiment station shall declare to be a pest.

"Herbicide." (e) The term "herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any weed.

"Insect." (f) The term "insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

"Fungi." (g) The term "fungi" means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or in living man or other animals.

"Weed." (h) The term "weed" means any plant which grows where not wanted.

"Ingredient statement." (i) The term "ingredient statement" means either:

(1) a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the economic poison; or

(2) a statement of the name of each active ingredient, together with the name of each and total

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percentage of the inert ingredients, if any there be, in the economic poison (except Option 1 shall apply if the preparation is highly toxic to man, determined as provided in Section 5 of this act); and, in addition to (1) or (2) in case the economic poison contains arsenic in any form a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

"Active ingredient." (j) The term "active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate insects, fungi, rodents, weeds, or other pests.

"Inert ingredient." (k) The term "inert ingredient" means an ingredient which is not an active ingredient.

"Antidote." (l) The term "antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.

"Person." (m) The term "person" means any individual, partnership, association, corporation, or organized group of persons whether incorporated or not.

"Director." (n) The term "director" means the director of the food and drugs division of the state board of health.

"Registrant." (o) The term "registrant" means the person registering any economic poison pursuant to the provisions of this act.

"Label." (p) The term "label" means the written, printed, or graphic matter on, or attached to, the economic poison, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the economic poison.

"Labelling." (q) The term "labeling" means all labels and other written, printed, or graphic matter,

(1) upon the economic poison or any of its containers or wrappers;

(2) accompanying the economic poison at any time;

(3) to which reference is made on the label or in literature accompanying the economic poison, except when accurate, non-misleading reference is made to current official publications of the United State departments of agriculture or interior, the

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United States public health service, state experiment stations, state agricultural colleges, or other similar federal institutions or official agencies of this state or other states authorized by law to conduct research in the field of economic poisons.

"Adulterated." (r) The term "adulterated" shall apply to any economic poison if its strength or purity falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.

"Misbranded," application of term. (s) The term "misbranded" shall apply:

Falsely labelled economic poison. (1) to any economic poison if its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;

Applied to any economic poison, when. (2) to any economic poison:

(a) if it is an imitation of or is offered for sale under the name of another economic poison;

Reference to registration. (b) if its labeling bears any reference to registration under this act;

Instructions for use. (c) if the labeling accompanying it does not contain instructions for use which are necessary and, if complied with, adequate for the protection of the public;

Warning statement. (d) if the label does not contain a warning or caution statement which may be necessary and, if complied with, adequate to prevent injury to living man and other vertebrate animals;

Ingredient statement. (e) if the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there be one, through which the ingredient statement on the immediate container can not be clearly read, of the retail package which is presented or displayed under customary conditions of purchase;

Conspicuousness of required word or information. (f) if any word, statement, or other information required by or under the authority of this act to appear on the labeling is not prominently

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placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, or

Insecticide, fungicide or herbicide, used as directed, injurious to man, animals or vegetation.

(g) if in the case of an insecticide, fungicide, or herbicide, when used as directed or in accordance with commonly recognized practice, it shall be injurious to living man or other vertebrate animals or vegetation, except weeds, to which it is applied, or to the person applying such economic poison.

Prohibited acts.

Section 3. Prohibited Acts.

Forbidden: the sale or transport of the following:

(a) It shall be unlawful for any person to distribute, sell, or offer for sale within this state or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any of the following:

Unregistered, or misrepresented economic poison.

(1) Any economic poison which has not been registered pursuant to the provisions of Section 4 of this act, or any economic poison if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of an economic poison differs from its composition as represented in connection with its registration; provided, that, in the discretion of the director, a change in the labeling or formula of an economic poison may be made within a registration period without requiring re-registration of the product.

Economic poison in other than original container or not properly labelled.

(2) Any economic poison unless it is the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one through which the required information on the immediate container can not be clearly read, a label bearing:

Contents of label required.

(a) the name and address of the manufacturer, registrant, or person for whom manufactured;

(b) the name, brand, or trade mark under which said article is sold; and,

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(c) the net weight or measure of the content subject, however, to such reasonable variations as the director may permit.

Containing toxic substances not properly labelled.

(3) Any economic poison which contains any substance or substances in quantities highly toxic to man, determined as provided in Section 5 of this act, unless the label shall bear, in addition to any other matter required by this act,

Contents of label required.

(a) the skull and crossbones;

(b) the word "poison" prominently, in red, on a background of distinctly contrasting color; and,

(c) a statement of an antidote for the economic poison.

Certain poisons not properly colored or discolored.

(4) The economic poison commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, and barium fluosilicate unless they have been distinctly colored or discolored as provided by regulations issued in accordance with this act, or any other white powder economic poison which the director, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, shall, by regulation, require to be distinctly colored or discolored; unless it has been so colored or discolored; provided, that the director may exempt any economic poison to the extent that it is intended for a particular use or uses from the coloring or discoloring required or authorized by this section if he determines that such coloring or discoloring for such use or uses is not necessary for the protection of the public health.

Adulterated or misbranded poison.

(5) Any economic poison which is adulterated or misbranded.

Unlawful acts named, following:

(b) It shall be unlawful:

Defacing, detaching or altering label.

(1) for any person to wilfully or maliciously detach, alter, deface, or destroy, in whole or in part, any label or labeling provided for in this act or regulations promulgated hereunder, or to add any

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substance to, or take any substance from, an economic poison in a manner that may defeat the purpose of this act;

(2) for any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of Section 4 of this act. Use of or revealing information relative to formulas.

Section 4. **Registration.**

(a) Every economic poison which is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered in the office of the director, and such registration shall be renewed annually; provided, that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same economic poison which may be registered as a single economic poison; and additional names and labels shall be added by supplement statements during the current period of registration; and provided, further, that any economic poison imported into this state, which is subject to the provisions of any federal act providing for the registration of economic poisons and which has been duly registered under the provisions of said act, may, in the discretion of the director, be exempted from registration under this act, when sold or distributed in the unbroken immediate container in which it was originally shipped. The registrant shall file with the director a statement including, Registration. Statement to be filed, contents of.

(1) the name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant;

(2) the name of the economic poison;

(3) a complete copy of the labeling accompanying the economic poison and a statement of all claims to be made for it including directions for use; and,

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(4) if requested by the director a full description of the tests made and the results thereof upon which the claims are based. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the economic poison was registered or last re-registered.

Submission of formula to the director may be required.

(b) The director, whenever he deems it necessary in the administration of this act, may require the submission of the complete formula of any economic poison. If it appears to the director that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of Section 3 of this act, he shall register the article.

Notice to registrant of manner wherein article, label or material fails to comply.

(c) If it does not appear to the director that the article is such as to warrant the proposed claims for it or if the article and its labeling and other material required to be submitted do not comply with the provisions of this act, he shall notify the registrant of the manner in which the article, labeling, or other material required to be submitted fail to comply with the act so as to afford the registrant an opportunity to make the necessary corrections. If, upon receipt of such notice, the registrant insists that such corrections are not necessary and requests in writing that the article be registered, the director shall register the article, under protest, and such registration shall be accompanied by a warning, in writing, to the registrant of the apparent failure of the article to comply with the provisions of the act. In order to protect the public, the director, on his own motion, may at any time, cancel the registration of an economic poison and in lieu thereof issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under Section 3 of this act.

Registration under protest.

Director may cancel registration.

Shipment between plants of the same operator.

(d) Notwithstanding any other provision of this act, registration is not required in the case of an economic poison shipped from one plant within this state to another plant within this state operated by the same person.

Poisons in original package.

(e) Nothing in this act shall apply to wholesalers or retailers selling economic poisons in the manufacturers' original unbroken packages in Montana.

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Section 5. **Determinations; Rules and Regulations; Uniformity.**

Authority of director of agricultural experiment station:

(a) The director of the agricultural experiment station of Montana state college is authorized, after opportunity for a hearing,

To declare as a pest.

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances.

Director of the food and drug division, authority of.

(b) The director of the food and drugs division is authorized after opportunity for a hearing,

(1) to determine whether economic poisons are highly toxic to man; and,

(2) to determine standards of coloring or discoloring for economic poisons, and to subject economic poisons to the requirements of Section 3 a (4) of this act.

Director may make rules and regulations.

(c) The director is authorized, after due public hearing, to make appropriate rules and regulations for carrying out the provisions of this act, including rules and regulations providing for the collection and examination of samples of economic poisons.

Uniformity of requirements, with primary standards prescribed in United States department desirable.

(d) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of economic poisons, and to avoid increased costs to the people of this state due to the necessity of complying with such diverse requirements in the manufacture and sale of such poisons, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such poisons. To this end the director is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this act, as have been or may be prescribed in the United States department of agriculture with respect to economic poisons.

Approval of rules and regulations required.

(e) All rules and regulations promulgated under authority granted by paragraph b (1) (2), paragraph c, and paragraph d, must be approved by the director of the food and drugs division and by the director of the agricultural experiment station of Montana state college.

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Section 6. **Enforcement.**

Enforcement procedure.

(a) The examination of economic poisons shall be made under the direction of the director for the purpose of determining whether they comply with the requirements of this act. If it shall appear from such examination that an economic poison fails to comply with the provisions of this act, and the director contemplates instituting criminal proceedings against any person, the director shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding and if thereafter in the opinion of the director it shall appear that the provisions of the act have been violated by such person, then the director shall refer the facts to the county attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article: provided, however, that nothing in this act shall be construed as requiring the director to report for prosecution or for the institution of libel proceedings minor violations of the act whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

Prosecution by county attorney.

(b) It shall be the duty of each county attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in the district court without delay.

Notice of judgments entered.

(c) The director shall, by publication in such manner as he may prescribe, give notice of all judgments entered in actions instituted under the authority of this act.

Exemptions, enumeration of.

Section 7. **Exemptions.** The penalties provided for violations of Section 3 a of this act shall not apply to:

Registered pharmacists.

Original packages.

(1) registered pharmacists regulated under the laws of this state, wholesalers or retailers selling economic poisons in the manufacturers' original unbroken packages in Montana.

Carriers.

(2) any carrier while lawfully engaged in transporting an economic poison within this state, if such carrier shall, upon request, permit the director or his designated agent to copy all records showing the transactions in and movement of the articles;

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(3) public officials of this state and the federal government engaged in the performance of their official duties; provided that such officials when in charge of large scale control campaigns shall keep accurate records as to the storage and disposal of economic poisons placed under their control; Public officials.

(4) the manufacturer or shipper of an economic poison for experimental use only, Poison for experimental use, by whom.

(a) by or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of economic poisons, or

(b) by others if the economic poison is not sold and if the container thereof is plainly and conspicuously marked "For experimental use only — Not to be sold", together with the manufacturer's name and address: provided, however, that if a written permit has been obtained from the director, economic poisons may be sold for experiment purposes subject to such restrictions and conditions as may be set forth in the permit.

Section 8. **Penalties.**

(a) Any person violating Section 3 a (1) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars ($100.00), nor less than twenty-five dollars ($25.00). Penalties.

(b) Any person violating any provision of this act other than Section 3 a (1) shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00) for the first offense and upon conviction for any subsequent offense shall be fined not more than two hundred fifty dollars ($250.00), nor less than fifty dollars ($50.00), provided, that any offense committed more than five (5) years after a previous conviction shall be considered a first offense; and provided, further, that in any case where a registrant was issued a warning by the director pursuant to the provisions of this act, such registrant shall upon conviction of a violation of any provision of this act other than Section 3 a (1) be fined not more than five hundred dollars ($500.00), or imprisoned for not more than one (1) year, or be sub- Penalties, continued.

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ject to both such fine and imprisonment; and the registration of the article with reference to which the violation occurred shall terminate automatically. An article, the registration of which has been terminated may not again be registered unless the article, its labeling, and other material required to be submitted appear to the director to comply with all the requirements of this act.

Registration.

Using or revealing information relative to formulas—penalty.

(c) Notwithstanding any other provisions of this section, in case any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of Section 4 of this act, he shall be fined not more than five hundred dollars ($500.00), or imprisoned for not more than one (1) year, or both.

Disposition of fines collected.

(d) All fines collected for violations of the provisions of this act shall be paid to the county treasurer of the proper county, who shall remit the same to the state treasurer of the State of Montana, and said moneys shall be placed to the credit of the general fund, as provided by law.

Section 9. **Seizures.**

Seizures for confiscation.

(a) Any economic poison that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be liable to be proceeded against in any district court in any county of the state where it may be found and seized for confiscation by process of libel for condemnation:

(1) in the case of an economic poison,

(a) if it is adulterated or misbranded;

(b) if it has not been registered under the provisions of Section 4 of this act;

(c) if it fails to bear on its label the information required by this act;

(d) if it is a white powder economic poison and is not colored as required under this act.

Disposition of condemned articles.

(b) If the article is condemned, it shall, after entry of decree, be disposed of by destruction or sale as the court may direct and the proceeds, if such article is sold, less legal costs, shall be paid to the state treasurer; provided, that the article shall not be sold contrary to the provisions

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of this act: and provided, further, that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the article shall not be disposed of unlawfully, the court may direct that said article be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(c) When a decree of condemnation is entered against the article, court costs and fees and storage and other proper expenses shall be awarded against the person, if any intervening as claimant of this article. Costs, fees and storage.

Section 10. **Delegation of Duties.** All authority vested in the director by virtue of the provisions of this act may with like force and effect be executed by such employees of the State of Montana, or political subdivision as the director may from time to time designate for said purposes. Delegation of duties.

Section 11. **Cooperation.** The director is authorized and empowered to co-operate with, and enter into agreement with any other agency of this state, or political subdivision, the United States department of agriculture, and any other state or agency thereof for the purpose of carrying out the provisions of this act and securing uniformity of regulations. Cooperation.

Section 12. **Separability.** If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this act and the applicability thereof to other persons and circumstances shall not be affected thereby. Separability of act.

Section 13. **Effective Date.** This act shall become effective January 1, 1948. Effective date.

Section 14. **Repeals.** All acts or parts of acts in conflict herewith are hereby repealed and specifically Sections 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613 and 2614 of the Revised Codes of Montana of 1935. Repeals.

Approved March 10, 1947.

CHAPTER 264

An Act to Amend Section 2396.2 of the Revised Codes of Montana, 1935, As Amended By Chapter 74 of the

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Session Laws of the Twenty-ninth Legislative Assembly, 1945, Relating to the Use of the State Highway Fund On the Federal Highway System.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2396.2 R. C. M. as amended further amended.

Section 1. That Section 2396.2 of the Revised Codes of Montana, 1935, as amended by Chapter 74 of the Laws of the twenty-ninth legislative assembly of 1945, be, and the same is hereby amended to read as follows:

Use of state highway fund on federal highway system.

"Section 2396.2. **Use of State Highway Fund on Federal Highway System.** All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration and engineering on the federal highway system of highways in this state selected and designated under the provisions of the federal aid act, approved July 11, 1916, and the federal highway act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per cent (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission. It shall be the duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state in proportion to the amount of mileage still to be constructed in the various sections of that system as defined in Section 2396.1; provided that nothing in this act shall be construed to con-

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flict with said federal aid highway acts and the rules by which they are administered. *The state highway commission is authorized to enter into co-operative agreements with the national park service and the public roads administration for the purpose of maintaining national park approach roads in Montana.*"

Cooperation with named federal agencies for national park approach roads.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 10, 1947.

CHAPTER 265

An Act to Authorize the District Courts of the State, Under Certain Conditions, to Order Sale or Other Disposition, or Mortgage or Lease of Property, Real or Personal, Held In Trust, Upon Application to the Court By the Trustee, or Any Beneficiary; and Providing Procedure Therefor, and Repealing Sections 7901.1, 7901.2, 7901.3, 7901.4, 7901.5, 7901.6, 7901.7, 7901.8, 7901.9, and 7901.10, Revised Codes of Montana, 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. When any trust is expressed in the instrument creating the trust estate, every sale, conveyance or other act of the trustee in contravention of the instrument creating the trust shall be absolutely void, except as in this act provided. The district court of the county wherein the property, whether real or personal, or any part thereof, held in trust is situate may by order, on such terms and conditions as seem just and proper, authorize and direct any trustee, whether it be a trust created by writing or otherwise, to sell or otherwise dispose of, or lease the property, for the development of its mineral resources, or mortgage all or any part of such trust property, whether real or personal, whenever it appears to the satisfaction of the court that it is necessary, advisable, or for the benefit, or for the best interest of the trust estate, or of the person or persons beneficially interested therein holding the first and present estate, interest or use, and that it will do no substantial injury to the heirs

Conveyance or other act by trustee of trust estate.

Authorization by order of district court.

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or next of kin, or others in succession, expectancy, reversion or remainder, or the beneficiaries, in respect of such property.

Lease of such property.

Section 2. The district court may, by order, on such terms and conditions as seem to it just and proper, authorize such trustee to lease such property for a term exceeding five (5) years, if it appears to the satisfaction of the court that it is for the best interest of the trust estate, or the beneficiaries thereof, and may authorize such trustee to covenant in the least to pay, at the end of the term or any renewal term, to the lessee, the then fair and reasonable value of any buildings and improvements which may have been erected or placed on the leased premises during such term or renewal term.

Lease for purpose of developing mineral resources.

Section 3. The district court may, by order, on such terms and conditions as may be just and proper, authorize such trustee to lease such property for the purpose of developing the mineral resources of the same for a term of years under the usual terms and conditions and under such terms and conditions as to the court may seem just and equitable.

Petition for court order.

Section 4. Application to the court for an order to sell or otherwise dispose of, or mortgage such trust property, real or personal, or any part thereof, or to lease such trust property, real or personal, or any part thereof, shall be by duly verified petition made by such trustee, or any person beneficially interested in such property. Such petition shall set forth the nature of the trust estate, the particular facts making it necessary or proper for the application to be granted, a description of the trust property to be sold or otherwise disposed of, or mortgaged, or leased, and the interest of the petitioner therein, and if said order is petitioned for on the ground that it is for the advantage, best interest and benefit of the trust estate, and those interested therein, including minor heirs, if any, that the order be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit would accrue to the trust estate, or to those interested therein, by the granting of such an order prayed for. Such petition and the notice of hearing thereof shall set forth, so far as appears of record or as known to the petitioner, the names of the beneficiaries and those interested in said trust, and in addition such petition shall set out the places of residence of all persons, who have any

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right, title, interest, estate or lien, and the nature thereof, in or upon the trust property, or who, by the terms of the instrument creating the trust, are known to the petitioner to have an interest in said trust property. If there be persons having, or claiming to have, or who, at any time thereafter, may have any interest in the trust property, whose names are unknown, it shall be lawful to include such persons in such petition and the notice of hearing thereof, by the name and description of unknown persons interested in the trust property, and, to that end, such petition and notice, in addition to setting out the names of the persons aforesaid, may contain the following: "And any and all persons known or unknown, claiming or who might claim, any right, title, estate or interest in or to, or any lien or encumbrance upon the real estate in the petition described, or any part thereof, whether such claim or possible claim be present or contingent, including any claim or possible claim of dower, inchoate or accrued". Such petition, together with a copy, annexed thereto, of the deed, will or other written instrument creating the trust estate, if any, shall be filed in the office of the clerk of the district court of the county wherein such property, or some part thereof, is situate. Upon the filing of any such petition, the district court shall, by order, fix a time and place of hearing the same. Such hearing may be at chambers, or at a general or special term of the court wherein the proceedings are pending.

Hearing the petition.

Section 5. All actions brought under this act must be brought in the county in which the real estate, or a portion thereof, is situated; provided, that if said real estate is situated in more than one county, said action may be brought or procured in either of said counties and a transcript of the original judgment, certified by the clerk of the court, shall be filed in the office of the clerk of the court in the county other than the one in which said action was brought, in which any part of the real estate affected thereby is situated.

Venue of action.

Section 6. Notice of such hearing stating the time and place thereof and the objects of the petition shall be served upon all persons named in the petition as having any right, title, interest, estate or lien in or upon the trust property, or who, by the terms of the instrument creating such trust, may, at any time thereafter, have any such right, title, interest, estate or lien. When the person on whom the

Notice of hearing.

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notice of hearing is to be served resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or conceals himself to avoid the service of notice of hearing; or when the defendant is a foreign corporation, having no managing or business agent, cashier, secretary, or other officer within the state, and an affidavit stating any of these facts is filed with the clerk of the court in which the action is brought, and such affidavit also states that a cause of action exists against the defendant in respect to whom the service of notice of hearing is to be made, and that he or it is a necessary or proper party to the action, the clerk of the court in which the action is commenced shall cause the service of notice of hearing to be made by publication thereof. Such notice shall be served, in the same manner as a summons in a civil action, except that publication thereof shall be made for two (2) consecutive weeks in a regularly published newspaper of general circulation in the county wherein such proceedings are pending, or, if no such newspaper be published in such county, the publication may be made in such newspaper published in an adjoining county. Service of such notice may be had upon all persons named and described in such petition and notice, as unknown persons interested in the trust property, by publication of such notice in the same manner and for the same time, as in the case of non-residents whose names are set out in the petition, upon the filing in said court of an affidavit by the petitioner, his agent or attorney, stating that there are, or that affiant is informed or believes there are, certain persons, in addition to those whose names are set out in such petition, who have, or claim to have, or may have some right, title, interest, estate or lien in or upon the trust property, the nature of which is, as well as the names and places of whom are, to affiant unknown.

Service of notice.

Publication.

Defendants who are designated as unknown heirs or devisees.

Section 7. When persons are made defendant by the style and description of unknown heirs, there shall be added to such designation of them the name of the deceased person of whom they shall be claimed or supposed to be the heirs. When persons are made defendant by the style and description of unknown devisees, there shall be added to such designation the name of the deceased person of whom they shall be claimed or supposed to be devisees.

Section 8. In case any person, whose name is set out

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in such petition, is a minor or a person of unsound mind, such notice of hearing shall be served upon the duly appointed guardian, or other legal representative of such person, if any. If there be none, then the district court in which such proceedings are pending shall appoint any competent person as a guardian ad litem for such person and may compel the person so appointed to act. In such case, service of such notice of hearing shall be had by service on such guardian ad litem.

Minors or persons of unsound mind as defendants.

Section 9. Upon proof being filed of the service of such notice, the court, at the time and place therein fixed or to which the hearing may be adjourned, shall hear all competent evidence offered for and against the granting of such petition, regulating the order of proof, as it may deem best, and shall make and enter a final order upon the application. If the application is granted, the final order shall authorize the sale or other disposition, or the mortgaging or leasing, as the case may be, of such trust property, or part thereof, in manner and upon such terms as the court may prescribe. Any such sale or other disposition, mortgaging or leasing of such trust property, by such trustee, shall be reported to the court for confirmation and confirmed by the court, before the same shall become effective and valid. Upon such confirmation, such trustee shall make, execute and deliver, subject to such terms and conditions as the court in its order of confirmation may impose, good and sufficient instruments of conveyance, assignment, and transfer, or mortgage, or lease, as the case may be. On receipt by such trustee of the money, or other proceeds derived from any such sale or other disposition, or mortgaging or leasing of such trust property, such money or other proceeds shall be held, administered, distributed or otherwise dealt with by such trustee under and pursuant to the terms of the deed, will or other written instrument creating a trust; then the court shall, by order and judgment, direct the distribution and administration of such funds or property.

Final order by court.

Confirmation of disposition by trustee.

Instruments of conveyance.

Money or other proceeds, administration or distribution of.

Section 10. The final order of the court in such proceedings, made or had with respect to such unknown persons, shall have the same effect and be as binding and conclusive upon them, as though they had been named and described in such petition and notice by their proper names; provided, that, all such unknown persons, so served as in this act provided, shall have the same right to appear

Effect of court's final order with respect to unknown persons served in action.

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and object to such order and the granting thereof, after such order has been made and entered, as persons would have, who are named and described by their proper names in such petition and notice, and have been served with such notice by publication, as provided in this act.

Validity of final orders.

Section 11. The final order of the court in such proceedings, and every deed or other instrument of conveyance, assignment, transfer, mortgage or lease made, executed and delivered by such trustee, pursuant to any such final order, shall be valid and effectual against all persons whose names are set out in such petition, and all persons therein named and described as unknown persons interested in the trust property, served with notice of hearing as in this act provided, or appearing voluntarily in the proceedings and consenting to the granting of such order, whether such persons, or any of them, are in being or not in being, and whatever the nature of their interest and estate in the trust property, whether vested or contingent, in expectancy, in reversion or in remainder, or otherwise, at the time of the granting of such order.

Responsibility for money or proceeds paid to trustee.

Section 12. Any person who shall actually and in good faith pay to any such trustee any money or other proceeds derived from the sale or other disposition, or from the mortgaging or leasing of such trust property, or any part thereof, shall not be responsible for the proper application of such money, or other proceeds, in accordance with the terms of the trust; and any right, title or interest derived from such trustee by such person, in consideration of such payment, shall not be impeached or called in question in consequence of any misapplication by such trustee of such money or proceeds so paid.

Laws repealed.

Section 13. That Sections 7901.1, 7901.2, 7901.3, 7901.4, 7901.5, 7901.6, 7901.7, 7901.8, 7901.9, and 7901.10, Revised Codes of Montana, 1935, are hereby repealed.

Approved March 10, 1947.

CHAPTER 266

An Act Relating to the Codification of the Laws of Montana; Providing For the Appointment of a Code Commissioner to Complete the Codification of the Revised Codes of Montana, 1947, Provided For By Chapter 184,

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Session Laws of Montana of 1945; Making Certain Modifications In the Requirements of Said Act; Defining the Powers and Duties and Fixing the Compensation of Said Code Commissioner and Making An Appropriation of Money to Carry Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Code commissioner to be appointed by supreme court.

Section 1. The supreme court of the State of Montana is hereby authorized and directed, not later than thirty (30) days after the passage and approved of this act, to appoint a competent and qualified person as code commissioner of Montana, who shall perform the duties imposed on him by this act, subject to the general supervision of the justices of the supreme court.

Vacancy.

Oath of office

Section 2. In the event of a vacancy in the office of code commissioner the supreme court shall appoint a successor possessing the same qualifications. The code commissioner shall subscribe and file the constitutional oath of office.

Duty of code commissioner.

Section 3. It shall be the duty of the code commissioner to complete the codification and proof reading of the Revised Codes of Montana of 1947 now in process of preparation, in accordance with the requirements of Chapter 184, Session Laws of Montana of 1945, as modified by this act.

Ch. 184, Laws of 1945, modified.

Eliminations authorized.

Section 4. The following modifications in the requirements of Chapter 184, Session Laws of Montana of 1945, are hereby made and the code commissioner is hereby authorized to eliminate from the Revised Codes of Montana of 1947 the following matters now specified in said Chapter 184:

(a) An historical statement and table of cases dealing with the history, validity and effect of codification.

(b) The re-examination of historical notes in the 1935 codes and the addition of references to comparable California sections.

(c) The preparation of tables of special, private or local laws relating to subjects other than claims, and a table of acts of congress relating specifically to the State of Montana, its territory, streams and domain and a table of any law or laws of the state found to have been omitted from any prior codification and believed to be in force.

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(d) References to the opinions of the attorney general except in those cases where the attorney general has held an act unconstitutional or no longer operative.

(e) The noting of all inconsistencies, ambiguities, omissions, contradictions and imperfections in the several sections of the codes and the preparation of new sections for the purpose of correcting and reconciling the same, together with proposals for adoption of new laws including laws prepared by commissioners on uniform laws. That in lieu of the requirements specified in this sub-section the code commissioner shall be required to submit only the laws already prepared by the present commissioner and advisory board created by Chapter 184, Session Laws of Montana of 1945 and which are referred to in their report to this legislative assembly.

(f) The inclusion of the treaty of purchase and cessation of the Louisiana Territory.

General index, tables of comparative sections and session laws to constitute single volume.

Section 5. The requirements for separate indexes for each volume of the code is hereby modified to require only the preparation of a complete general index which, together with the tables of comparative sections, contained in the 1935 code and a table of comparative sections of the 1935 and 1947 codes and the session laws since 1937, shall constitute a single volume.

References to standard legal publication.

Section 6. The commissioner is hereby authorized to insert in the new code references to standard legal publications provided that such references can be procured without expense to the state.

Salary of commissioner.

Section 7. The code commissioner shall be paid for the performance of his duties a monthly salary of four hundred ($400.00) dollars, payable monthly.

Term of office.

Section 8. The term of office of the code commissioner shall extend from the date of his appointment until the completion of the Revised Codes of Montana of 1947, including the proof reading thereof, but not later than December 31, 1948.

Construction of act in relation to Ch. 184, Laws of 1945.

Section 9. It is hereby declared that this act shall not amend or make any changes in or modifications of said Chapter 184, Session Laws of Montana of 1945, except the specific changes and modifications contained in this act and except also that the powers and duties of the code commissioner and advisory board appointed under the

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provisions of said Chapter 184 shall cease upon the appointment of the code commissioner provided for by this act. The appropriation of money made by Section 10 of said Chapter 184 shall continue in force and effect for the remainder of the period for which said appropriation was made and shall be applicable to the payment of the salary of the code commissioner and assistants from the date of the approval of this act until June 30, 1947, on which date the unexpended portion of the appropriation shall revert to the general fund.

Section 10. To carry out the provisions of this act and to pay the salaries and other expenses herein authorized there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eight thousand ($8,000.00) dollars for the fiscal year beginning July 1, 1947, and ending June 30, 1948, and the sum of four thousand ($4,000.00) dollars for the fiscal year beginning July 1, 1948, and extending until December 31, 1948. All salaries and expenses authorized by this act shall be paid upon claims approved by the supreme court.

Appropriation.

Claims.

Section 11. This act and the appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the state budget act.

State budget act not applicable.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 13. This act shall take effect immediately upon its passage and approval.

Effective date.

Approved March 10, 1947.

CHAPTER 267

An Act Creating a Drivers' Examination Section of the Montana Highway Patrol and Relating to the Licensing of Persons Operating Motor Vehicles Upon Highways In the State of Montana, to Make Uniform the Law Relating Thereto and to Be Known As the Montana Uniform Motor Vehicle Operators and Chauffeurs License Act; Defining Motor Vehicles and Other Terms Used Herein, Providing For the Issuance of Operators and Chauffeurs Licenses, and Defining What Persons May Receive Such Licenses; Exempting Certain Persons From Such Licenses, Classifying Chauffeurs Li-

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censes, Providing For the Issuance of Instruction Permits and Temporary Licenses and the Application Therefor; Providing For the Method of Application For Licenses For Minors By the Parents, Guardian or Other Responsible Person and Providing For the Liability of Such Parents, Guardian or Other Person In Certain Instances; Providing For the Release From Liability By Such Parents, Guardian or Other Person and For the Cancellation of the License of the Minor; Providing For the Examination of Applicants for licenses and For the Issuance of Licenses Without Examination In Certain Cases; Providing For the Issuance and Sale of Operators and Chauffeurs Licenses, Restricted Licenses, Instruction Permits, Temporary Licenses, Duplicate Licenses and Permits, and Providing What Such Licenses Shall Contain, When They Shall Be Carried and How They Shall Be Exhibited; Providing For the Expiration of Such Licenses and For Notice of Change of Address or Name; Providing What Records Shall Be Kept By the Montana Highway Patrol; Providing For the Cancellation, Suspension or Revocation of Licenses and Permits By the Montana Highway Patrol and For the Period of Such Suspension or Revocation and the Surrender and Return of Such Licenses; Defining Violations of This Act and Penalties Therefor; Providing For the Right of Appeal From the Denial, Cancellation, Suspension or Revocation of Such Licenses to the District Court; Providing For the Effect of the Unconstitutionality of Any Part or Parts of This Act and Repealing All Acts or Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I

Drivers' examination section of Montana highway patrol board, creation of, place of business, meetings.

Section 1. There is hereby created a Drivers' Examination Section of the Montana Highway Patrol, under the direct control and supervision of the Montana Highway Patrol Board. Said board shall maintain a permanent place of business at the state capitol and shall meet at least once each month for the purpose of transacting business either as the drivers' examining board, the highway patrol board, or jointly for the two. The board shall select a chief examiner and as many examiners as it deems necessary and shall provide for the necessary clerical help.

Chief examiner and examiners.

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Qualifications of.

The chief examiner and all examiners shall have the same qualifications as are required for members of the Montana highway patrol. The chief examiner shall rank as an assistant supervisor and the examiners shall rank as patrolmen.

Rank of chief examiner.

WORDS AND PHRASES DEFINED

Words and phrases, definition of.

Section 2. **Definitions.** The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

"Vehicle."

Section 3. (a) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

"Motor vehicle."

(b) **Motor Vehicle.** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Farm tractor."

(c) **Farm Tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"School bus."

(d) **School Bus.** Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

"Person."

Section 4. (a) **Person.** Every natural person, firm, copartnership, association, or corporation.

"Operator."

(b) **Operator.** Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

"Chauffeur."

(c) **Chauffeur.** Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation, but shall not include persons driving farm trucks or hauling farm products for producers of said farm products.

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"Owner." (d) **Owner.** A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

"Non-resident." Section 5. **Non-resident.** Every person who is not a resident of this state.

"Street or highway." Section 6. **Street or Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Supervisor." Section 7. (a) **Supervisor.** The supervisor of the Montana highway patrol.

"Board." (b) **Board.** The Montana highway patrol board acting directly or through its duly authorized officers or agents.

Section 8. **Suspension, Revocation, and Cancellation.**

"Suspension." (a) Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.

"Revocation." (b) Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the board after the expiration of at least one (1) year after date of revocation.

"Cancellation." (c) Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

ARTICLE II

Issuance of Licenses, Expiration, and Renewal.

Section 9. **Operators and Chauffeurs Must Be Licensed.**

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(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the board any operator's license issued to him or an affidavit that he does not possess an operator's license.

Operators and chauffeurs must be licensed.

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

Section 10. **What Persons Are Exempt From License.** The following persons are exempt from license hereunder:

Persons exempted.

1. Any person while operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States;

Persons in army, navy or marine corps.

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

Operators of road machinery, farm tractors temporarily on highway.

3. A non-resident who is at least fifteen (15) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;

Non-residents, under certain conditions.

4. A non-resident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this state except that any such person must be licensed as chauffeur hereunder before accepting employment as a chauffeur from a resident of this state;

Non-residents possessing chauffeur's license issued in home state.

5. Any non-resident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such non-resident.

Non-residents whose home states require no license.

Section 11. **What Persons Shall Not Be Licensed.** The board shall not issue any license hereunder:

What persons shall not be licensed.

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Person under age of 15 years.

1. To any person, as an operator, who is under the age of fifteen (15) years, except that the board may issue a restricted license as hereinafter provided to any person who is at least thirteen (13) years of age;

Person under age of 18 years, in certain cases

2. To any person, as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of eighteen (18) years, nor to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of twenty-one (21) years;

Person under 21 years, when.

To person whose license is under suspension or revocation.

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in Section 33 of this act;

Habitual drunkard or drug addict.

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

Person suffering from mental disability or disease.

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

Person required to take examination but has not done so.

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;

Person required to deposit, but who has not deposited, proof of financial responsibility.

7. To any person who is required under the provisions of the motor-vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof.

Classification of chauffeurs.

Section 12. **Classification of Chauffeurs—Special Restrictions.** (a) The board upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public.

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Special restrictions, applicable to licenses to drivers of school buses or motor vehicles for transportation of persons for hire.

(b) No person who is under the age of twenty-one (21) years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The board shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one (1) year of driving experience prior thereto and has filed with the board one (1) or more certificates signed by a total of at least three (3) responsible people to whom he is well known certifying as to his good character and habits and the board is fully satisfied as to the applicant's competency and fitness to be employed.

Section 13. **Instruction Permits and Temporary Licenses.** (a) Any person who is at least fourteen (14) years of age may apply to the board for an instruction permit. The board may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty (60) days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of ninety (90) days.

Instruction permits and temporary licenses.

(b) The board upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-training program approved by the board even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

Restricted instruction permit.

(c) The board may in its discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the board

Temporary driver's permit.

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is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Section 14. **Application for License or Instruction Permit.** (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the board. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.

Application for license or instruction permit.

(b) Every such application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Information required.

Section 15. **Application of Minors.** (a) The application of any person under the age of eighteen (18) years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

Application of minors.

(b) Any negligence or wilful misconduct of a minor under the age of eighteen (18) years when driving a motor vehicle upon a highway shall be imputed to a person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or wilful misconduct (except as otherwise provided in sub-paragraph (c) of this section.

Imputation of negligence of minor driver to and liability of person who signed the application of such minor

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Deposit of proof of financial responsibility discharges liability of parent or guardian of minor.

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor-vehicle financial responsibility laws of this state, then the board may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under sub-paragraph (b) of this section.

Release from liability of person signing application of minor.

Section 16. **Release From Liability.** Any person who has signed the application of a minor for a license may thereafter file with the board a verified written request that the license of said minor so granted be cancelled. Thereupon the board shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle.

Cancellation of license upon death of person signing minor's application.

Section 17. **Cancellation of License Upon Death of Person Signing Minor's Application.** The board upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of eighteen (18) years.

Examination of applicants.

Section 18. **Examination of Applicants.** (a) The board shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The board shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably conven-

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ient to the applicant within not more than thirty (30) days from the date the application is received.

Issuance of license without examination, under stated conditions.

(b) The board shall issue without examination an operator's license to any person applying therefor within six (6) months after this section takes effect who furnishes evidence satisfactory to the board that he is not disqualified under the provisions of this act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one (1) year.

Section 19. **Licenses Issued to Operators and Chauffeurs.** (a) The highway patrol board shall have the authority to appoint county treasurers and other qualified officers to act as its agent or agents for the sale of driver's licenses, and shall make necessary rules and regulations governing such sales. The board shall, upon the payment of one dollar and fifty cents ($1.50), issue to every applicant qualifying therefor, an operator's or chauffeur's license as applied for, which license shall be purchased annually on or before January 1 and shall expire on December 31 of the same year and shall bear thereon a distinguishing number issued to the licensee, the full name, date of birth, residence address and a brief description of the licensee and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink, immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Appointment of agents for the sale of driver's licenses.

License fee.

Term of license.

Contents.

(b) Whenever the board issues an original license to a person under the age of 21 years such license shall be designated and clearly marked as a "provisional license." Upon renewal as applicable to operator's licenses the board may for reasonable cause as shown by its records designate the renewal of the license as provisional, otherwise a license in usual form shall be issued subject to other provisions of this act.

Designation of provisional license.

Section 20. **License to Be Carried and Exhibited on Demand.** Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a justice of the peace, a peace officer, a highway patrolman, or a field deputy or inspector of the board. However, no person charged with violating this section shall be convicted if he produces in court or the

License to be carried and exhibited on demand.

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office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

Section 21. **Restricted Licenses.** (a) The board upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the board may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Restricted licenses.

(b) The board may either issue a special restricted license or may set forth such restrictions upon the usual license form.

Form of.

(c) The board may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon suspension or revocation under this act.

Suspension or revocation of restricted license.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Violation constitutes a misdemeanor.

Section 22. **Duplicate Certificates.** In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this act is lost or destroyed, the person to whom the same was issued may, upon the payment of a fee of twenty-five cents (25c), obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the board that such permit or license has been lost or destroyed.

Duplicate permit or license.

Section 23. **Expiration of License.** (a) Every operator's license shall expire December thirty-first, following the issuance of such license. Every such license shall be renewable on or before its expiration upon application (and payment of the required fee).

Expiration of operator's license.

(b) Every chauffeur's license shall expire December 31 each year and shall be renewable on or before its expiration date upon application and payment of the required fee. The board may in its discretion require an examination of the applicant for renewal as upon an original application.

Expiration of chauffeur's license.

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Notice of change of address or name.

Section 24. **Notice of Change of Address or Name.** Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the board in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Records to be kept by board.

Section 25. **Records to Be Kept by the Board.** (a) The board shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;

2. All applications granted; and

3. The name of every licensee whose license has been suspended or revoked by the board and after each such name note the reasons for such action.

Accident reports and abstracts of court convictions.

(b) The board shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the board upon any application for renewal of license and at other suitable times.

ARTICLE III

Cancellation, Suspension, or Revocation of Licenses

Cancellation of licenses.

Section 26. **Authority of Board to Cancel Licenses.** (a) The board is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

Surrender of cancelled license.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the board.

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Section 27. **Suspending Privileges of Non-residents and Reporting Convictions.** (a) The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the board in like manner and for like causes as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

Suspension or revocation of privilege given a non-resident.

(b) The board is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor-vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Conviction of non-resident driver, certified copy of record may be forwarded to home state.

Section 28. **Suspending Resident's License Upon Conviction in Another State.** The board is authorized to suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

Suspending resident's license upon conviction in another state.

Section 29. **When Court to Forward License to Board and Report Convictions.** (a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the board, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted and the court shall thereupon forward said licenses to the board and at the same time forward a record of such conviction to the board and to the registrar of motor vehicles.

License of person convicted and record of conviction to be forwarded by court to the board.

(b) Every court having jurisdiction over offenses committed under this act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the board a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

Courts having jurisdiction to forward to board a record of convictions.

(c) For the purposes of this act the term "conviction" shall mean a final conviction. Also, for the purposes of

"Conviction," meaning of.

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Forfeiture of bail to be reported to board.

this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be reported to the board by the court having jurisdiction.

Section 30. **Mandatory Revocation of License by Board.** The board shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

Offenses for which revocation of license is mandatory.

1. Manslaughter resulting from the operation of a motor vehicle;

2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;

3. Any felony in the commission of which a motor vehicle is used;

4. Failure to stop and render aid as required under the laws of this state in the event of a motor-vehicle accident resulting in the death or personal injury of another;

5. Perjury or the making of a false affidavit or statement under oath to the board under this act or under any other law relating to the ownership or operation of motor vehicles;

6. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

Section 31. **Authority to Board to Suspend or Revoke License.** (a) The board is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

Grounds for suspension or revocation of license.

1. Has committed an offense for which mandatory revocation of license is required upon conviction;

2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;

3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

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4. Is an habitually reckless or negligent driver of a motor vehicle;

5. Is incompetent to drive a motor vehicle;

6. Has permitted an unlawful or fraudulent use of such license; or

7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

Procedure upon suspension of license.

(b) Upon suspending the license of any person as hereinbefore in this section authorized, the board shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the board and the licensee agree that such hearing may be held in some other county. Upon such hearing the supervisor or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the board shall either rescind its order of suspension, or, good cause appearing therefor, may extend the suspension of such license or revoke such license and upon revocation the board shall forthwith notify the registrar of motor vehicles.

Board may require re-examination.

Section 32. **Board May Require Re-examination.** The board having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five (5) days to the licensee require him to submit to an examination. Upon the conclusion of such examination the board shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under Section 21 of this act. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

Period of suspension.

Section 33. **Period of Suspension or Revocation.** (a) The board shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one (1) year, except as permitted under Section 39 of this act.

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Revocation —issuance of new license.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one (1) year from the date on which the revoked license was surrendered to and received by the board such person may make application for a new license as provided by law, but the board shall not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

Suspended or revoked license to be surrendered to board.

Section 34. **Surrender and Return of License.** The board upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the board except that at the end of the period of suspension such license so surrendered shall be returned to the licensee.

Suspension or revocation of non-resident's right to operate vehicle in this state.

Section 35. **No Operation Under Foreign License During Suspension or Revocation in This State.** Any resident or non-resident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

Right of appeal to district court.

Section 36. **Right of Appeal to Court.** Any person denied a license or whose license has been cancelled, suspended, or revoked by the board except where such cancellation or revocation is mandatory under the provisions of this act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty (30) days' written notice to the board, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this act.

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ARTICLE IV

Violation of License Provisions

Violation of license provisions.

Section 37. **Unlawful Use of License.** It is a misdemeanor for any person:

1. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any operator's or chauffeur's license not issued to him;

4. To fail or refuse to surrender to the board upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or cancelled;

5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or

7. To do any act forbidden or fail to perform any act required by this act.

Perjury, and penalty therefor.

Section 38. **Making False Affidavit Perjury.** Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

Driving while license is suspended or revoked—penalty for.

Section 39. **Driving While License Suspended or Revoked.** (a) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addi-

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tion thereto a fine of not more than five hundred dollars ($500.00).

Upon conviction on charge of violation of this section, authority of board to impose further penalties.

(b) The board upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the board shall not issue a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

Permitting unauthorized minor to drive forbidden.

Section 40. **Permitting Unauthorized Minor to Drive.** No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this act.

Employment of unlicensed chauffeur.

Section 41. **Employing Unlicensed Chauffeur.** No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided by this act.

Renting motor vehicle to another.

Section 42. **Renting Motor Vehicle to Another.** (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the state or country of his residence except a non-resident whose home state or country does not require that an operator be licensed.

Inspection of operator's or chauffeur's license, before renting car to such person.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

Duty of person renting a motor vehicle to another.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the board.

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ARTICLE V

Penalties

Violation of act, constitutes misdemeanor.

Section 43. **Penalty for Misdemeanor.** (a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

Penalty.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of nor more than five hundred dollars $500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

ARTICLE VI

Effect of and Short Title of Act

Construction of act.

Section 44. **Uniformity of Interpretation.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Short title of act.

Section 45. **Short Title.** This act may be cited as the Uniform Motor-Vehicle Operators' and Chauffeurs' License Act.

Constitutionality of act.

Section 46. **Constitutionality.** If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Repealing clause.

Section 47. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1947.

CHAPTER 268

An Act to Amend Section 1415, Revised Codes of Montana, 1935, Relating to Superintendent and Assistant Superintendent of the Montana State Hospital; to Provide That the Superintendent Be a Competent and

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Qualified Physician Having Had Special and Advanced Training and Experience In the Treatment and Care of Mental Disorders and Diseases, and to Permit the State Board of Examiners to Fix Salaries.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1415 R. C. M. amended.

Section 1. That Section 1415 of the Revised Codes of Montana, 1935, be and the same is hereby amended to read as follows:

Superintendent of state hospital, and assistant, appointment of.

"1415. **Superintendent of** *State Hospital* **and Assistant—Appointment, Removal and Salary.** A superintendent of the *state hospital who shall be a competent and qualified physician having had special and advanced training and experience in the treatment and care of mental disorders and diseases* and an assistant superintendent, shall be appointed by the governor and such appointments must be transmitted to and approved by the senate. The tenure of office of the appointees shall be for a period of four (4) years from the date of the appointment and until their successors have been appointed and qualified.

Salary.

The *annual* salary of the superintendent *and assistant shall be fixed by the state board of examiners,* payable in monthly installments of one-twelfth (1/12) each at the end of each and every month.

Food supplies.

"The superintendent and the assistant superintendent in addition to the salaries above *provided for* shall be entitled to draw from the *hospital* commissary food supplies for their respective families, not to exceed, however, in value the sum of fifteen hundred dollars ($1,500.00) per year for each family. Such food supplies so drawn shall be accounted for to the board of commissioners for the *hospital,* in the same manner as other supplies used at the *state hospital.*

Removal, procedure for.

"They shall be subject to removal by the state board of commissioners for the insane at any time for misfeasance, non-feasance, or malfeasance in office, but before the superintendent or the assistant superintendent be so removed, formal charges in writing must be preferred, and the superintendent or the assistant charged shall be given opportunity to appear and defend himself against any such charges. When charges shall have been preferred asking the removal of the superintendent or the assistant superintendent notice of the time and place of hearing of

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said charges shall be served upon the accused at least five (5) days prior to the day set for the hearing; provided, however, that when such charges have been preferred, the state board of commissioners for the insane shall have the power and authority to suspend the accused until after the determination of the charges preferred against him."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 10, 1947.

CHAPTER 269

An Act to Provide For the Development, Establishment and Enforcement of Standards For the Care of Individuals In Hospitals and Standards For the Construction, Maintenance and Operation of Hospitals In the State of Montana; to Establish a System of Licensing Hospitals and Making the State Board of Health the Licensing Agency and Investing It With Supervisory Powers Over Hospitals and the Power to Make Rules and Regulations Under This Act; Creating An Advisory Council to Consult With Such Board and Providing For the Membership and Functions Thereof; Providing For Judicial Review of Decisions and Ruling of the State Board of Health; Providing Penalties For a Violation of This Act; and Appropriating the Sum of Fifteen Thousand ($15,000.00) Dollars Out of the General Fund For the Purpose of Carrying Out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Definitions.** As used in this act: Definitions.

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four hours in any week of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place devoted primarily to providing for not less than twenty-four hours in any week of obstetrical or other medical or nursing care for two or more non-related individuals. The term hospital includes public health centers. "Hospital."

(b) "Person" means any individual, firm, partner- "Person."

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ship, corporation, company, association, or joint stock association, and the legal successor thereof.

"Governmental unit."

(c) "Governmental unit" means the state, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing.

"Licensing agency."

(d) "Licensing Agency" means the state board of health of the State of Montana.

Purpose of act.

Section 2. **Purpose.** The purpose of this act is to provide for the development, establishment and enforcement of standards (1) for the care of individuals in hospitals and (2) for the construction, maintenance and operation of hospitals, which in the light of advancing knowledge, will promote safe and adequate care of such individuals in hospitals.

License required.

Section 3. **Licensure.** After July 1, 1947, no person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital in this state without a license under this law.

Application for.

Section 4. **Application for License.** An application for a license shall be made to the state board of health of the State of Montana upon forms provided by it and shall contain such information as the board reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for license shall be accompanied by a license fee of ten dollars ($10.00), which must be paid into the state treasury.

Fee.

Issuance and renewal of license.

Section 5. **Issuance and Renewal of License.** Upon receipt of an application for license and the license fee, the board shall issue a license if the applicant and hospital facilities meet the requirements established under this law. A license, unless sooner suspended or revoked, shall be renewable annually without charge upon filing by the licensee, and approval by the board, of an annual report upon such uniform dates and containing such information in such form as the board prescribed by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except

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with the written approval of the board. Licenses shall be posted in a conspicuous place on licensed premises.

Section 6. **Denial or Revocation of License; Hearing and Review.** The board after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law.

Denial, suspension and revocation.

Such notice shall be effected by registered mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty days from the date of such mailing or service, at which the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of any such hearing, or upon default of the applicant or licensee the board shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final thirty days after it is so mailed or served, unless the applicant or licensee within such thirty day period, commences on action in the district court, pursuant to Section 14, hereof.

Notice and hearing.

Determination by board.

The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the board with the advice of the advisory hospital council. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is reviewed pursuant to Section 14 hereof. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies. Witnesses may be subpoenaed by either party.

Hearing and record.

Section 7. **Rules, Regulations, and Enforcement.** The board with the advice and approval of the advisory hospital council, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate care of individuals in hospitals in the interest of public health, safety and welfare.

Rules, regulations and enforcement.

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Effective date of regulations.

Section 8. **Effective Date of Regulations.** Any hospitals which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under this act shall be given a reasonable time, under the particular circumstances not to exceed one year from the date of such promulgation, within which to comply with such rules and regulations and minimum standards.

Inspections.

Section 9. **Inspections and Consultations.** The board shall make or cause to be made such inspections and investigation as it deems necessary. The board may prescribe by regulations that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the licensing agency for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Consultations.

Advisory hospital council, appointment and members of.

Section 10. **Advisory Hospital Council.** The governor shall appoint an advisory hospital council to advise and consult with the board in carrying out the administration of this act. The council shall consist of the executive officer of the state board of health (in various acts designated as "secretary" of said board) who shall serve as chairman ex-officio, the state director of the department of public welfare, ex-officio, and the following nine (9) members, namely: three (3) individuals of recognized ability in the field of non-government hospital administration; three (3) individuals of recognized ability in the fields of medicine and surgery, nursing, welfare public health, architecture, or allied professions in the field of health, and three (3) individuals with broad civic interests representing consumers of hospital services. Each member shall hold office for a term of four (4) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and, the terms of office of the members first taking office shall expire, as designated at the time of appointment, three at the end of the second year, three at the end of the third year, three at the end of the fourth year, after the date of appointment. Council members

Term of office.

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while serving on the business of the council shall be entitled to receive ten dollars ($10.00) per diem, and, also, their actual and necessary travel and subsistence expenses while so serving away from their place of residence. The council shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by any three (3) or more members, it shall be the duty of the chairman to call a meeting of the council.

Per diem.

Meetings.

Section 11. **Functions of Advisory Hospital Council.** The advisory hospital council shall have the following responsibilities and duties:

Functions of council.

(a) To consult and advise with the board in matters of policy affecting administration of this act, and in the development of rules, regulations and standards provided for hereunder.

(b) To review and approve, before the same becomes effective, rules, regulations and standards authorized hereunder, prior to their promulgation by the board as specified herein.

Section 12. **Information Confidential.** Information received by the board through filed reports, inspection, or as otherwise authorized under this law shall not be disclosed publicly in such a manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure.

Information confidential.

Section 13. **Annual Report of Licensing Agency.** The board shall prepare and publish an annual report of its activities and operations under this law; the original of such report shall be transmitted to, and filed in the office of the governor.

Annual report of licensing agency.

Section 14. **Judicial Review.** Any applicant or licensee of the state acting through the attorney general aggrieved by the decision of the board after a hearing, may, within thirty (30) days after mailing or serving of notice of the decision as provided in Section 6, commence an action in the district court of the county in which the hospital is located or to be located, by the filing of a verified complaint against the board as defendant, and summons shall issue, and all further proceedings be conducted as in the case of ordinary civil actions. The board shall, upon filing its answer, certify and file therewith in the court wherein the action is pending a certified copy of the record and

Judicial review.

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decision, including the complete transcript of the hearings on which the decision is based. Findings of fact by the board shall be conclusive unless substantially contrary to the weight of the evidence, or unless in conflict with law, but upon good cause shown the court may remand the case to the board to take further evidence, and the board may thereupon affirm, reverse, or modify its decision. The court may affirm, modify or reverse the decision of the board and either the applicant or licensee or the board or state may apply for such further review by appeal or otherwise, as is provided by law. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest.

Penalties.

Section 15. **Penalties.** Any person establishing, conducting, managing, or operating any hospital without a license under this law shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars ($100.00) for the first offense and not more than three hundred dollars ($300.00) for each subsequent offense, and each day of a continuing violation after conviction shall be considered a separate offense.

Injunction, on behalf of board.

Section 16. **Injunction.** Notwithstanding the existence or pursuit of any other remedy, the board, may in the manner provided by law upon the advice of the attorney general who shall represent the board in the proceedings maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Section 17. **Discrimination by Hospitals Forbidden; Interference with Relation Between Physician and Patient Prohibited.**

(a) Notwithstanding any other provision of this act, no person, firm, co-partnership, association, corporation, public or private, and no religious, denominational or secular order, or organization, trustees or trust conducting or operating either directly or as lessee, or otherwise, a hospital or hospitals not maintained for private or corporate pecuniary profit, or operating or conducting a hospital or hospitals which are institutions of public charity, any of which hospitals in any case are exempt, or cause

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themselves to become exempt, under applicable law from any state, county or municipal tax by reason of their non-profit status or charitable nature or character, shall in any manner or by any device discriminate between the patients of any regularly licensed physician for or upon any ground or reason whatever, including the fact that any such physician is not a member of the medical or surgical, or other staff, clinic, or internal instrumentality of such hospital. All such hospitals are hereby directed, required and compelled to admit, receive and care for the patients of any regularly licensed physician and surgeon, under the same terms and conditions as may be established and promulgated by the governing authority, management or staff of said hospital for the patients of any other regularly licensed physician without discrimination, direct or indirect.

Discrimination between patients forbidden.

(b) Notwithstanding any other provision of this act, the free and confidential professional relation between licensed physician and patient shall continue and remain unaffected and unchanged, and be preserved as a privileged relationship; and licensed physicians shall continue to have direction over their patients in hospitals.

Professional relationship between physician and patient confidential.

(c) The licensing agency, advisory council, director and all others charged with the administration of this act shall have no authority, by rule, regulation, or administrative direction, or other device, to modify, alter, or abridge any of the provisions of this section, and the faithful observance of the provisions hereof shall be an express condition of all licenses issued or reissued hereunder.

Provisions of this section may not be modified.

(d) Nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any home or institution conducted for those who rely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination.

Care and treatment by prayer or spiritual means not subject to act.

Section 18. **Appropriation.** There is hereby appropriated out of the general funds of the state fifteen thousand dollars ($15,000.00) or so much thereof as may be necessary for the purpose of carrying out the provisions of this act for the period July 1, 1947 to June 30, 1949.

Appropriation.

Section 19. **Severability.** If any provision of this act

Severability.

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or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Repealing clause.

Section 20. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 21. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

CHAPTER 270

An Act to Provide For An Inventory of Existing Hospitals, For a Survey of the Need For Additional Hospital Facilities, and For the Development and Administration of a Hospital Construction Program Which Will, In Conjunction With Existing Facilities, Afford Hospitals Adequate to Serve All People of the State; and Appropriating Money, Establishing Methods of Administration and Control, Providing For Compliance With the Requirements of the Federal Hospital Survey, and Construction Act and Regulations Thereunder, Authorizing the Acceptance and Expenditure of Federal Funds In Accordance With Such Requirements and Providing For Joint Action By Two or More Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

PART A — GENERAL

Title of act.

Section 1. **Title.** This act may be cited as the "Montana Hospital Survey and Construction Act."

Definitions.

Section 2. **Definitions.** As used in this act:

"Board."

(a) "Board" means the state board of health of the State of Montana.

"Federal act."

(b) "The Federal Act" means Public Law 725 of the 79th Congress, approved August 13, 1946, entitled the hospital survey and construction act.

"Surgeon general."

(c) "The Surgeon General" means surgeon general of the public health service of the United States.

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"Hospital."

(d) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related facilities, such as laboratories, out-patient departments, nurses' home and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

"Public health center."

(e) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

"Non-profit hospital."

(f) "Non-profit Hospital" means any hospital owned and/or operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"Director."

(g) "Director" means the principal administrative officer of the division of hospital survey and construction of the said state board of health of Montana as appointed by said board.

Administration.

Section 3. **Administration; Division of Hospital Survey and Construction.** There is hereby established in the state board of health a division of hospital survey and construction which shall be administered by a full-time salaried director appointed by the board and serving under the supervision and direction of the board. The state board of health through such division, shall constitute the sole agency of the state for the purpose of

Division of hospital survey.

Functions of.

Inventory and survey.

(1) making an inventory of existing hospitals, surveying the need for construction of hospitals, and developing a program of hospital construction as provided in Part B of this act, and

Plan for construction of hospitals.

(2) developing and administering a state plan for the construction of public and other nonprofit hospitals as provided in Part C of this act.

General powers and duties of board.

Section 4. **General Powers and Duties.** In carrying out the purposes of the act, the board is authorized and directed:

Reports, inspections, and regulations.

(a) To require such reports, make such inspections and investigations and prescribe such regulations as it deems necessary;

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To comply with requirements of the federal act.

(b) To provide such methods of administration, appoint a director and other personnel of the division and take such other action as may be necessary to comply with the requirements of the federal act and the regulations thereunder;

To procure services of experts or consultants.

(c) To procure in its discretion the temporary or intermittent services of experts or consultants, or organizations thereof, by contract, when such services are to be performed on a part-time or fee-for-service basis and do not involve the performance of administrative duties;

To enter into certain agreements.

(d) To the extent that it considers desirable to effectuate the purposes of this act, to enter into agreements for the utilization of the facilities and services of other departments, agencies, and institutions, public or private;

To accept grants or contributions.

(e) To accept on behalf of the state and to deposit with the state treasurer any grant, gift or contribution made to assist in meeting the cost of carrying out the purposes of this act, and to expend the same for such purpose;

Annual reports.

(f) To make an annual report to the governor on activities and expenditures pursuant to this act, including recommendations for such additional legislation as the board considers appropriate to furnish adequate hospital, clinic, and similar facilities to the people of this state.

Advisory hospital council.

Section 5. **Advisory Hospital Council.** The governor shall appoint an advisory hospital council to advise and consult with the state board of health in carrying out the administration of this act. The council shall consist of the executive officer (sometimes designated secretary of the state board of health) who shall serve as chairman ex officio and fifteen (15) other members and shall include representatives of non-government organizations or groups, and of state agencies, concerned with the operation, construction or utilization of hospitals, including representatives of the consumers of hospital services selected from among persons familiar with the need for such services in urban or rural areas. Each member shall hold office

Term of office of members.

for a term of four (4) years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appoint-

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ment, five (5) at the end of the second year, five (5) at the end of the third year, five (5) at the end of the fourth year after the date of appointment. Council members, while serving on business of the council, shall receive actual and necessary travel and subsistence expenses while so serving away from their places of residence. The council shall meet as frequently as the chairman deems necessary but not less than once each year. Upon request by five (5) or more members, it shall be the duty of the chairman to call a meeting of the council. The advisory hospital council appointed hereunder may if the governor so determine, be identical in personnel membership with the advisory hospital council appointed under the hospital licensing act.

Travel and subsistence expenses.

Called meetings.

Section 6. **Administrative Appropriations.** For the purposes of administering the provisions of this act, there is hereby appropriated from the general fund in the state treasury for the biennial period July 1, 1947 to June 30, 1949 the sum of $15,000.00 or so much thereof as may be necessary and, also, such other and additional funds as may be received from the federal government and other sources for such purposes. Such monies shall be expended upon proper certification by the director, after the approval of the state board of health for such expenditures.

Administrative appropriation.

PART B — SURVEY AND PLANNING

Section 7. **Survey and Planning Activities.** The board is authorized and directed to make an inventory of existing hospitals, including public, non-profit and proprietary hospitals, to survey the need for construction of hospitals, and, on the basis of such inventory and survey, to develop a program for the construction of such public and other non-profit hospitals as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital, clinic and similar services to all the people of the state.

Survey and planning activities of board.

Section 8. **Construction Program.** The construction program shall provide, in accordance with regulations prescribed under the federal act, for adequate hospital facilities for the people residing in this state and insofar as possible shall provide for their distribution throughout the state in such manner as to make all types of hospital service reasonably accessible to all persons in the state.

Construction program.

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Application for federal funds.

Section 9. **Application for Federal Funds for Survey and Planning; Expenditure.** The board is authorized to make application to the surgeon general for federal funds to assist in carrying out the survey and planning activities herein provided. Such funds shall be deposited in the state treasury and shall be available to the board for expenditure for carrying out the purposes of this part. Any such funds received and not expended for such purposes shall be repaid to the treasury of the United States.

Expenditure.

State plan to be submitted to surgeon general.

Section 10. **State Plan.** The board shall prepare and submit to the surgeon general a state plan which shall include the hospital construction program developed under Part B. of this act and which shall provide for the establishment, administration, and operation of hospital construction activities in accordance with the requirements of the federal act and regulations thereunder. The board shall, prior to the submission of such plan to the surgeon general, give adequate publicity to a general description of all the provisions proposed to be included therein, and hold a public hearing at which all persons or organizations with a legitimate interest in such plan may be given an opportunity to express their views. After approval of the plan by the surgeon general, the board shall publish a general description of the provisions thereof in three (3) successive publications at intervals of one (1) week between publications in at least one newspaper having general circulation in each county in the state, and in five papers having a general circulation throughout the state, and shall make the plan, or a copy thereof, available upon request to all interested persons or organizations. The board shall from time to time review the hospital construction program and submit to the surgeon general any modifications thereof which he may find necessary and may submit to the surgeon general such modifications of the state plan, not inconsistent with the requirements of the federal act, as he may deem advisable.

Publication of description of plan.

Minimum standards of hospitals.

Section 11. **Minimum Standards for Hospital Maintenance and Operation.** The board shall by regulation prescribe minimum standards for the maintenance and operation of hospitals which receive federal aid for construction under the state plan.

Priority of projects.

Section 12. **Priority of Projects.** The state plan shall set forth the relative need for the several projects included in the construction program determined in accordance

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with regulations prescribed pursuant to the federal act, and provide for the construction, insofar as financial resources available therefor and for maintenance and operations make possible, in the order of such relative need.

Section 13. **Construction Projects; Applications.** Applications for hospital construction projects for which federal funds are requested shall be submitted to the board and may be submitted by the state or any political subdivision thereof or by any public or non-profit agency authorized to construct and operate a hospital. Each application for a construction project shall conform to federal and state requirements.

Applications for hospital construction projects.

Section 14. **Consideration and Forwarding of Applications.** The board shall afford to every applicant for a construction project an opportunity for a fair hearing. If the board, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of Section 13 of this act and is otherwise in conformity with the state plan, he shall approve such application and shall recommend and forward it to surgeon general.

Consideration and forwarding of applications.

Section 15. **Inspection of Projects.** From time to time the board shall inspect each construction project approved by the surgeon general, and, if the inspection so warrants, the board shall certify to the surgeon general that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of federal funds is due to the applicant.

Inspection of projects.

Section 16. **Hospital Construction Fund.** The board is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants. There is hereby established, separate and apart from all public moneys and funds of this state, a hospital construction fund. Money received from the federal government for a construction project approved by the surgeon general shall be deposited to the credit of this fund and shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects claims for all payments from the hospital construction fund shall, if approved by the board, bear the signature

Hospital construction fund.

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of the executive officer (secretary) of the board, or in his absence, the director.

Consolidated application by two or more counties.

Section 17. Any two (2) or more counties of this state may, by concurrent action of their respective boards of county commissioners, join in a consolidated application for funds for construction (and operation and maintenance when permitted) under the terms of this act of a single hospital or health center for all of the counties so joining, such hospital or health center to be located at such point within the exterior boundaries of the joining counties as may best serve the people of all the counties involved, and any laws of this state investing any county with power to construct, maintain and operate hospitals directly, or by lease or contract, may be utilized for joint action by any two or more counties, provided, however, that in all cases, the provisions of all laws governing submission of questions of establishment of such a hospital, hospital construction, issuance of bonds therefor, and method of operation, and requiring majority vote of the tax-payers at elections on such questions in a county shall apply to and govern consolidated applications and concurrent and joint actions of two or more counties and a majority of the qualified voters in an election common to each county, in each one of the joining counties, shall be required to authorize the issuance of bonds, construction and contracts under such joint or consolidated plan.

PART D — MISCELLANEOUS

Severability of act.

Section 18. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not effect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Repealing clause.

Section 19. **Repeal.** All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Effective date.

Section 20. **Effective Date.** This act shall take effect from and after its passage and approval.

Approved March 10, 1947.

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CHAPTER 271

An Act In Relation to Arson and the Burning of Property to Defraud An Insurer and to Repeal Sections 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345 and 11426 of the Revised Codes of Montana of 1935.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Purpose of Act and Short Title.** The purpose of this act is to co-operate with local, state and federal governments, in the public welfare, in the prosecution of crimes against property, in the protection of life and property, and as a means of decreasing the criminal activity of arsonists and "firebugs". This act may be referred to as the "Model Arson Law."

Purpose of act.

Title of act.

Section 2. **Arson—First Degree. Burning of Dwellings.** Any person who wilfully, feloniously and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any dwelling house, whether occupied, unoccupied or vacant, or any kitchen, shop, barn, stable or other outhouse that is parcel thereof, or belonging to or adjoining thereto, whether the property of himself or of another, shall be guilty of arson in the first degree, and upon conviction thereof, be sentenced to imprisonment in the state prison for not less than two (2) nor more than twenty (20) years.

Arson, first degree: burning of dwelling house.

Penalty.

Section 3. **Arson—Second Degree. Burning of Buildings, Etc., Other Than Dwellings.** Any person who wilfully, feloniously and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any building or structure of whatsoever class or character, whether the property of himself or of another, not included or described in the preceding section, shall be guilty of arson in the second degree, and upon conviction thereon, be sentenced to imprisonment in the state prison for not less than one (1) nor more than ten (10) years.

Arson, second degree: burning of building other than dwelling house.

Penalty.

Section 4. **Arson—Third Degree. Burning of Other Property.** Any person who wilfully, feloniously and maliciously sets fire to or burns, or causes to be burned or who aids, counsels or procures the burning of any personal property of whatsoever class or character, (such property being of the value of twenty-five dollars ($25.00) and the

Arson, third degree: burning of personal property.

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property of another person), shall be guilty of arson in the third degree and, upon conviction thereof, be sentenced to imprisonment in the state prison for not less than one (1) nor more than three (3) years.

Penalty.

Section 5. **Arson—Fourth Degree. Attempt to Burn Buildings or Property.**

Arson: fourth degree: attempt to burn property

(a) Any person who wilfully and maliciously attempts to set fire to or attempts to burn or to aid, counsel or procure the burning of any of the buildings or property mentioned in the foregoing sections, or who commits any act preliminary thereto, or in the furtherance thereof, shall be guilty of arson in the fourth degree and, upon conviction thereof, be sentenced to imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding five hundred dollars ($500.00), or both.

Penalty.

Definition of attempt to burn.

(b) **Definition of An Attempt to Burn.** The placing or distributing of any flammable, explosive or combustible material or substance, or any device in any building or property mentioned in the foregoing sections in an arrangement or preparation with intent to eventually wilfully and maliciously set fire to or burn same, or to procure the setting fire to or burning of same shall for the purposes of this act constitute an attempt to burn such building or property.

Burning to defraud insurer.

Section 6. **Burning to Defraud Insurer.** Any person who wilfully, feloniously and with intent to injure or defraud the insurer sets fire to or burns or attempts so to do or who causes to be burned or who wilfully, maliciously and feloniously aids, counsels or procures the burning of any buildings, structure or personal property, of whatsoever class or character, whether the property of himself or of another, which shall at the time be insured by any person, company, or corporation against loss or damage by fire, shall be guilty of a felony and upon conviction thereof, be sentenced to imprisonment in the state prison for not less than one (1) nor more than five (5) years.

Penalty.

Sections repealed.

Section 7. Sections 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345 and 11426 of the Revised Codes of Montana of 1935, and all acts and parts of acts in conflict with any part hereof are hereby repealed.

Section 8. The repeal of the sections designed in

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Section 7 of this act does not constitute a bar to the indictment or information and punishment of an act already committed in violation of the sections so repealed and any act committed in violation of such sections so repealed prior to the approval of this act may be prosecuted and punished in accordance with such sections herein repealed. Acts already committed in violation of repealed sections not barred.

Section 9. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 11, 1947.

CHAPTER 272

An Act to Amend Section 1204 of the Revised Codes of Montana of 1935, Relating to Apportionment of School Moneys.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1204 of the Revised Codes of Montana of 1935, be, and is hereby amended to read as follows: Sec. 1204 R. C. M. amended.

"Section 1204. **Apportionment.** All school moneys apportioned by county superintendents of common schools shall be apportioned to the several districts in proportion to *the average number of pupils belonging. In computing the average number belonging in each school district, the sum of the aggregate attendance and the aggregate days absence shall be divided by the number of days school is in session in the school or schools of the district, provided, however, that in computing the aggregate days absence, a pupil absent more than three (3) consecutive school days in such school year, his absence after the third consecutive school day and until his return to school shall not be included in the aggregate days of absence.*" Apportionment.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 11, 1947.

CHAPTER 273

An Act to Amend Section 1202 of the Revised Codes of Montana of 1935, Relating to the Levy For the Support of Common Schools.

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Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1202 R.C.M. amended.

Section 1. That Section 1202 of the Revised Codes of Montana of 1935, be, and the same is hereby amended to read as follows:

"Section 1202. **Common School Levy.** In addition to the provisions for the support of common schools, hereinbefore provided, it shall be the duty of the county commissioners of each county in the state to levy an annual tax of not less than *eight (8)* nor more than *ten (10)* mills on the dollar of the assessed value of all taxable property, real and personal, within the county, which levy shall be made at the time and in the manner provided by law for the levying of taxes for county purposes, which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected. For the further support of the common schools, there shall also be set apart by the county treasurer all moneys paid into the county treasury arising from all fines for violations of law, unless otherwise specified by law. Such moneys shall be forthwith paid into the county treasury by the officer receiving the same, and be added to the yearly school fund raised by taxing each county and dividing in the same manner."

Common school levy.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 274

An Act Relating to Budgets For High Schools and the Levying of Taxes For High School Purposes For the School Years Beginning July 1, 1947 and Ending June 30, 1948; and beginning July 1, 1948 and Ending June 30, 1949, and Expending Money Received By School Boards From the Federal Government In Addition to the Regular Budget.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. If it shall appear to the satisfaction of the board of trustees of any high school and the county board

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of school budget supervisors, that because or on account of an anticipated increase in amounts required for payment of salaries and other maintenance and operating expenses for any school year, the maximum amount which may be budgeted for such high school during such year, as set forth, specified and determined in the manner provided by Section 1263.5, Revised Codes of Montana, 1935, as amended by Chapter 166, Session Laws, 1939, and Chapter 64, Session Laws, 1941, will not provide sufficient funds for such additional maintenance and operating expenses during such school year, then, and in that event only, the amount of the budget for such school year, as so set forth, specified and provided in said Section 1263.5, as amended, may be increased by adding to such maximum amount not to exceed fifty per centum (50%) thereof. And all funds received by any school board from the federal government may be expended and shall not be included in the maximum herein set forth or provided in said Section 1263.5, as amended, or by this act.

Increase in budget for high schools.

Funds received from federal government.

Section 2. If it shall appear to the satisfaction of the board of trustees of any county high school that it is necessary or proper to raise money by taxation in excess of the amount allowed by law, for the purpose of maintaining such county high school, and paying the teachers, faculty, and other employees thereof, or acquiring or purchasing equipment or supplies therefor, or for any other purpose necessary or requisite for the proper operation and maintenance of such county high school, said board of trustees of such county high school shall determine and fix the amount necessary or required for such purpose or purposes, in addition to the amount allowed by law, and shall submit the question of an additional levy of taxes to raise said amount so required, proper or necessary, to the qualified electors residing in the county where such county high school is situated, in the case of a county high school without a building district, or to the qualified electors residing within such county high school building district, whose names appear upon the last completed assessment roll of the county as taxpayers upon property therein, for state, county and school taxes, at the regular election held in such high school building district or at a special election called for that purpose by the board of trustees of said district; and where a county high school has no building district, then such special levy may be submitted and voted upon on the date of the regular county school

County high schools, additional levy for may be submitted to electors.

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election, or at a special election called for that purpose by the board of county commissioners of such county, when the board of county trustees of such county high school shall, by resolution in their minutes, state that such extra taxation levy is necessary for any of the purposes hereinbefore mentioned.

Special tax levy by county commissioners in whose county are one or more high schools.

Section 3. In each county in which one or more high schools are maintained, the board of county commissioners shall annually levy on the second Monday in August a special tax for such high school or high schools at such rate that the amount when computed by applying the levy against the taxable valuation of the county will be the necessary amount to meet the approved budget or budgets.

Application of act.

Section 4. The provisions of this act shall apply only to budgets for high schools which may be adopted for either or both of the school years beginning July 1, 1947, and ending June 30, 1948, and beginning July 1, 1948 and ending June 30, 1949, and not to any of such budgets for any year or years thereafter, and this act shall cease to have any force or effect after the second Monday in August, 1949.

Construction of act with respect to other laws.

Section 5. None of the provisions of this act shall be deemed or construed to be in conflict with or to repeal any of the provisions of Section 1263.5, Revised Codes of Montana, 1935, as amended by Chapter 166, Session Laws, 1939, and Chapter 64, Session Laws, 1941, or any of the provisions of Section 1263.11, Revised Codes of Montana, 1935, as amended by Chapter 131, Session Laws, 1941, but shall be deemed and construed as merely authorizing the budgeting of larger amounts and the levying of a tax for the school years, specified in Section 4 hereof, or for either thereof, when the same shall be necessary because of an anticipated increase in amounts required for payment of salaries and other maintenance and operating expenses during said years, or either thereof.

Effective date.

Section 6. This act shall be in full force and effect on and after its passage and approval.

Approved March 11, 1947.

CHAPTER 275

An Act to Provide For the Creation of High School Districts, After Public Hearing, and Authorizing the Board

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of Trustees of Said High School Districts to Undertake a Program of Public Works, Issue and Negotiate Bonds, Borrow Money and to Enter Into Contracts and Arrangements For the Construction, Improvement, or Repair of Buildings, Furnishings and Equipping the Same, and Purchasing Necessary Land Therefor; Providing For Elections and Procedure to Be Followed By High School Districts; Providing For Recognizing High School Districts Heretofore Created; Repealing Section 1301.1 of the Revised Codes of Montana, 1935, As Amended By Section 1 of Chapter 16, Laws of 1937; Section 1301.2 of the Revised Codes of Montana, 1935, as Amended By Section 2 of Chapter 16, Laws of 1937; and Sections 1301.3, 1301.4, 1301.5 and 1301.6 of the Revised Codes of Montana, 1935; and Repealing All Other Acts and Parts of Acts In Conflict With This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Boards of trustees of high school districts in county.

Section 1. In any county having a high school the board of trustees of the county high school, if there be one, and the boards of trustees of any school districts maintaining high schools, are hereby designated as the boards of trustees of the respective high school districts established under this act.

Program of public works in construction, furnishing buildings for high schools in county

To effectuate the purpose of this act, the board of trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement or repair of buildings, furnishing and equipping the same and purchasing necessary land therefor, for the use of any or all high schools in such high school district, and to accept funds from the United States, its instrumentalities or any of its agencies in aid of any one or more of such purposes. Such proceedings may be commenced by resolution upon the part of such board of trustees of such high school district of its own motion and without any petition being filed therefor.

Commission— to divide county into high school districts.

Section 2. In all counties having a high school, or high schools, a commission consisting of the county commissioners and the county superintendent of schools shall at the request of any high school board of trustees in the county, divide the county into high school districts for the purpose of this act, after hearing. That the commission shall fix the time, date and place, and at such time,

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Procedure.

date and place hold a public hearing of the requested division of the county into high school districts, at which hearing any interested person may appear and be heard concerning the requested division. Written notice of such hearing shall be mailed by the county superintendent of schools to the chairman of each and every board of trustees of each and every school district in the county, and the chairman of the board of trustees of the county high school, stating the time, date and place of such public hearing, and shall be mailed not less than two (2) weeks preceding the date fixed for such hearing. The certificate of the county superintendent of schools filed with the commission reciting that said notices were mailed shall be conclusive.

Approval by superintendent of public instruction.

The boundaries established by said commission shall be subject to the approval of the superintendent of public instruction.

Factors to be considered.

In creating such districts the commission shall give first consideration to the factor of convenience of the patrons of the several schools. Common school districts may be grouped for the purpose of this act and when practicable high school districts shall be made up of contiguous and adjacent common school districts but the commission must take into consideration the existence or non-existence of obstacles of travel, such as mountains and rivers and existence or non-existence of highways and distances to high school. No common school districts shall be divided for the purpose of this act but must be made a part of a high school district in its entirety, provided that the entire portion of a joint school district within the county may be included within a high school district.

Common school districts.

Section 3. **Bonds May Be Issued by Trustees.** Each high school district created under this chapter shall be a corporation separate from the common school districts included therein. The boards of trustees of high school districts established under this act are hereby vested with the power and authority to issue and negotiate bonds on the credit of the high school districts in conformity with and for any one or more of the purposes provided in Section 1224.1, Revised Codes of Montana, 1935, and Amendments thereof, and to the full amount permitted by Section 6 of Article XIII of the State Constitution irrespective of the debt of the common school districts.

Bonds, issue and negotiation of, by boards of trustees of high school districts

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Section 4. **Laws Applicable to Bonds.** All of the laws of this state governing the issuance, refunding and sale of bonds by school districts, the levying of taxes for the payment of the principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this act, shall apply to and govern all bonds issued under the provisions of this act.

Laws applicable to such bond issues.

Section 5. **Construction of Act.** This act shall not prevent the exercise of powers as elsewhere in the statutes of this state provided. It shall constitute an additional and cumulative method of borrowing money and of carrying out the powers herein authorized. The high school districts created under the provisions of this act, are for construction, repair, improvement and equipment purposes only, and it shall not be construed so as to interfere with or repeal any existing laws relating to the maintenance or operation of high schools within the county. All high school districts heretofore created under the provisions of Sections 1301.1 to 1301.6, inclusive, of the Revised Codes of Montana, 1935, and amendments thereof are hereby recognized as legally organized high school districts with full powers under this act.

Construction of act.

Section 6. **Act Not Applicable to Certain High School Districts.** Provided, that nothing in this act shall apply to any high school districts in a county having a population of forty-five thousand (45,000) or over, based on the United States census of 1930.

Act not applicable to certain high school districts.

Section 7. That Section 1301.1 of the Revised Codes of Montana, 1935, as amended by Section 1 of Chapter 16, Laws of 1937; Section 1301.2 of the Revised Codes of Montana, 1935, as amended by Section 2 of Chapter 16, Laws of 1937; and Sections 1301.3, 1301.4, 1301.5 and 1301.6 of the Revised Codes of Montana, 1935, be, and the same are hereby repealed.

Laws repealed.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 11, 1947.

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CHAPTER 276

An Act to Amend Sections 2, 3, 8, 9, 10, 13, 14, 19, 22, 25, and 29 of Chapter 227, Laws of 1943, Relating to Juvenile Delinquency, to Re-Define the Words "Child" and "Adult", to Re-Define the Words "Delinquent Child", to Provide At What Ages Children May Commit or Attempt to Commit Felonies and the Manner of Proof Thereof, to Provide For the Jurisdiction of the Juvenile Court and the District Court, to Provide Children Who Commit or Attempt to Commit Felonies Are to Be Proceeded Against Under the Criminal Law, to Provide For Detention, Custody, and Imprisonment Upon Conviction of Children and Adults Under the Age of Twenty-One Years Who Commit or Attempt to Commit Felonies, to Provide No Publicity Shall Be Given to Any Matter or Proceeding In the Juvenile Court Involving Children Proceeded Against As or Found to Be Delinquent Children, to Indicate Throughout Said Chapter the Different Procedures to Be Used In Proceeding Against Children As Delinquents and Children Charged With Commission Of or Attempt to Commit a Felony or Felonies; Providing When This Act Shall Take Effect; Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 227 Laws of 1943 amended.

Section 1. That Section 2 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Definitions.

"Section 2. **Definitions.**

"The court."

"(1) Whenever the words 'the Court' are used in this act, they mean the juvenile department of the district court as established by this act. *Whenever the district court is meant, it is referred to as the district court.*

"Child."

"The word 'Child' means a person less than eighteen years of age.

"Adult."

"The word 'Adult' means a person eighteen years of age or older.

"The singular shall be construed to include the plural, and the plural the singular, and the masculine the feminine, when consistent with the intent of this act.

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"(2) The words 'Delinquent Child' include: "Delinquent child."

"(a) A child who has violated any ordinance of any city.

"(b) A child who has violated any law of the state, provided, however, a child over the age of sixteen (16) years who commits or attempts to commit murder, manslaughter, assault in the first degree, robbery, first or second degree burglary while having in his possession a deadly weapon, and carrying a deadly weapon or weapons with intent to assault, shall not be proceeded against as a juvenile delinquent but shall be prosecuted in the criminal courts in accordance with the provisions of the criminal laws of this state governing the offenses above listed.

"(c) A child who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian, or custodian.

"(d) A child who is habitually truant from school or home.

"(e) A child who habitually so deports himself as to injure or endanger the morals or the health of himself or others.

"(f) *A child who unlawfully, negligently, dangerously, or wilfully operates a motor vehicle on the highways of the state or on the roads and streets of any county or city so as to endanger life or property, and a child who operates a motor vehicle on such highways, roads or streets while intoxicated or under the influence of intoxicating liquor.*"

Section 2. That Section 3 of Chapter 227 of the Laws of 1943, as amended by Chapter 123 of the Laws of 1945, be, and the same is hereby amended to read as follows: Sec. 3, Ch. 227 Laws of 1943 as amended further amended.

"Section 3. **Jurisdiction.** The district courts of the several counties of this state shall have jurisdiction in all cases coming within the terms and provisions of this act. It is provided that the district court shall be called the juvenile court when acting under the juvenile court laws. Jurisdiction of district courts. Juvenile court.

"The *juvenile* court shall have exclusive original jurisdiction in proceedings:

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(a) concerning any child who is delinquent;

(b) concerning any person under twenty-one (21) years of age charged with having violated any law of the state, *other than those laws relating to the commission of or attempt to commit the criminal offenses mentioned in Subdivision (2) (a) of Section 2 of Chapter 227, Laws of 1943, as amended by this act, or any person charged with having violated* any ordinance of any city or town, prior to having become eighteen years of age;

(c) concerning parents who wilfully and knowingly fail to provide their children with proper food, clothing, medical attention, and opportunity to attend school.

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one (21) years of age unless discharged prior thereto, or is confined in a state custodial or correctional institution. In trials under this act the child or parent or guardian or other person having the care, custody or control of such child complained against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge of his own motion may call a jury to try such case, except that the jurisdiction of the court shall end if the child is committed to a state institution or agency.

Right to jury trial.

Jurisdiction of district court as distinguished from juvenile court.

"The district court as distinguished from the juvenile court shall have jurisdiction, as in all other criminal cases, of those offenses listed in subdivision (2) (b) of Section 2 of Chapter 227 of the Laws of 1943, as amended, where children over the age of sixteen (16) are accused."

Sec. 8, Ch. 227 Laws of 1943 amended.

Section 3. That Section 8 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Release of children taken into custody.

"Section 8. **Release of Children Taken Into Custody.** Whenever any officer takes a child into custody, he shall, unless it is impracticable, or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian, or custodian. If not so released, such child shall be placed in the custody of

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a probation officer or other person designated by the court, or taken immediately to the court, or place of detention designated by the court, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court. The court may make a general order designating such place of detention.

"In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as shall be designated by the court, subject to further order.

Immediate custody of child may be taken by officers, when.

"Nothing in this act shall be construed as forbidding any peace officer, police officer, or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or welfare, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this act.

Duty of officer in such case.

"Whenever any officer takes into custody a child who committed or attempted to commit any of the offenses set out in Subsection (2) (b) of Section 2, Chapter 227, Laws of 1943, as amended, or whom he has reasonable cause to believe has committed or attempted to commit such offense or offenses, he shall proceed in accordance with the provisions of the criminal law of this state."

Sec. 9, Ch. 227 Laws of 1943 amended.

Section 4. That Section 9 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Transfer from other courts.

"Section 9. **Transfer From Other Courts.** If, during the pendency of a criminal or quasi-criminal charge against any person in any other court, it shall be ascertained that said person was at the time of committing the alleged offense *within the definition of 'delinquent child' as set out in Subsection (2) (b) of Section 2, Chapter 227, Laws of 1943, as amended,* it shall be the duty of such court to

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transfer such case immediately, together with all papers, documents, and testimony connected therewith, to the juvenile court. The court making the transfer shall order the child to be taken forthwith to the place of detention designated by the juvenile court or to that court itself, or release such child in the custody of some suitable person, to appear before the juvenile court at a time designated. The juvenile court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance."

Sec. 10, Ch. 227 Laws of 1943 amended.

Section 5. That Section 10 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Hearing.

"Section 10. **Hearing; Judgment.** The court may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any juvenile case, *as distinguished from a case involving a child charged with the commission of or attempt to commit any of the criminal offenses set out in Subdivision (2) (b) of Section 2, Chapter 227, Laws of 1943, as amended by this act*, the general public shall be excluded and only such persons admitted as have a direct interest in the case. All cases involving children shall be heard separately and apart from the trial of cases against adults.

"If the court shall find that the child is delinquent within the provisions of this act, it may by order duly entered proceed as follows:

"(1) Place the child on probation or under supervision upon such terms as the court shall determine.

"(2) Commit the child to a suitable public institution or agency or to a suitable private institution or agency incorporated under the laws of the state, approved by the state department of public welfare, and authorized to care for children; or to place them in suitable foster homes, approved by the department of public welfare, or the probation department.

"(3) Order such further care and treatment as the court may deem best for the best interests of the child, except as herein otherwise provided.

Effect of commitment or adjudication.

"No commitment *of any such delinquent* child to any institution under this act shall be deemed commitment to a penal institution. No adjudication upon the status of

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any *delinquent* child in the jurisdiction of the court shall shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any *delinquent* child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of any crime in any court except as provided in the preceding section of this act. The disposition of the *delinquent* child or any evidence given in the court shall not be admissible as evidence against the child in any other case or proceeding.

Information to accompany order of commitment.

"Whenever the court shall commit a *delinquent* child to any institution or agency, it shall transmit with the order of commitment a summary of its information concerning such child.

Segregation from inmates in state prison who are over age of 21 years.

"Whenever a child or an adult under the age of twenty-one (21) years is convicted of a felony or felonies or attempt to commit a felony or felonies and is sentenced to imprisonment in the state prison, he shall, throughout the term of imprisonment or until such time as he reaches the age of twenty-one (21) years, be kept separate and apart at all times from those inmates who are over the age of twenty-one (21) years."

Sec. 13, Ch. 227 Laws of 1943 amended.

Section 6. That Section 13 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Selection of custodial agency.

"Section 13. **Selection of Custodial Agency.** In placing a *delinquent* child under any guardianship or custody other than that of its parents, the court shall, when practicable, select a person or an institution or agency governed by persons of like religious faith as that of such *delinquent* child, or in case of a difference in the religious faith of the parents, then of the religious faith of the *delinquent* child, or if the religious faith of the *delinquent* child is not ascertained, then of either of the parents."

Sec. 14, Ch. 227 Laws of 1943 amended.

Section 7. That Section 14 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Support of delinquent child committed to a custodial agency.

"Section 14. **Support of *Delinquent* Child Committed to a Custodial Agency.** When a *delinquent* child is committed by the court to custody other than that of its parents, and no provision is otherwise made by law for the support of such *delinquent* child, compensation for the

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care of such *delinquent* child, when approved by order of the court, shall be a charge upon the county, or the appropriate division thereof. But the court may, after giving the parent a reasonable opportunity to be heard, adjudge and order that such parent shall pay in such manner as the court may direct, such sum as will cover, in whole or in part, the support of such *delinquent* child, and if such parent shall wilfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence, or said cost may be collected in a civil action against the parent or parents."

Sec. 19, Ch. 227 Laws of 1943 amended.

Section 8. That Section 19 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Citation and judgment against surety on bond.

"Section 19. **Citation and Judgment Against Surety on Bond.** It shall not be necessary to bring a separate suit to recover the penalty of any such bond forfeited, but the court may cause a citation to issue to the surety or sureties thereon, requiring that he or she appear at a time named therein by the court, which time shall not be less than ten (10) nor more than twenty (20) days from the issuance thereof, and show cause, if any there be, why judgment should not be entered for the penalty of such bond and execution issue for the amount thereof against the property of the surety or sureties thereon, as in civil cases, and, upon failure to appear or failure to show any sufficient cause, the court shall enter judgment in behalf of the State of Montana, against the surety or sureties. Any moneys collected or paid upon any such execution or in any case upon said bond, shall be turned over to the county treasurer of the county in which such bond is given, to be applied to the care and maintenance of *delinquent* children committed under the provisions of this act."

Sec. 22, Ch. 227 Laws of 1943 amended.

Section 9. That Section 22 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Duties and powers of the probation department.

"Section 22. **Duties and Powers of the Probation Department.** The chief probation officer, under the direction of the judge, shall have charge of the work of the probation department. The probation department shall make such investigation as the *juvenile* court may direct, keep a written record of such investigations and submit

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the same to the judge, or deal with the same as the judge may direct. The department shall furnish to *any delinquent child or* to any person *within the purview of Sections 16 and 17 of Chapter 227 of the Laws of 1943, as amended,* placed on probation a written statement of the conditions of probation, and shall keep informed concerning the conduct and condition of each person under its supervision, and shall report thereon to the judge as he may direct. Each probation officer shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition. The probation department shall keep full records of its work, and shall keep accurate and complete accounts of money collected from persons under its supervision, and shall give receipts therefor and shall make reports thereupon as the judge may direct. Probation officers, for the purpose of this act, shall have the powers of police officers.

Privileged information, disclosure of restricted.

"All information obtained in discharge of official duty by any officer or other employe of the *juvenile* court shall be privileged and shall not be disclosed to anyone other than the judge and others entitled under this act to receive such information, unless and until otherwise ordered by the judge."

Sec. 25, Ch. 227 Laws of 1943 amended.

Section 10. That Section 25 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Place of detention.

"Section 25. **Place of Detention.** No child under eighteen (18) years of age shall be placed in or committed to any prison, jail, or lockup, nor be detained nor transported in association with criminal, vicious, or dissolute persons, provided, that a child whose habits or conduct are deemed to be such as to constitute a menace to other persons may, with the consent of the judge or chief probation officer, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults; *provided further that, whenever a child over sixteen (16) years of age is charged with the commission of, or attempt to commit any of the offenses set out in Subsection (2) (b) of Section 2, Chapter 227, Laws of 1943, as amended, or whenever an adult under the age of twenty-one (21) years is charged with the commission of, or attempt to commit, a felony or felonies, he shall be placed in a jail or other place of detention for adults, but in a room or*

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ward separate from such adults who are over the age of twenty-one (21) years.

Temporary detention of certain children.

"Provision shall be made for the temporary detention of children *who are not charged with the commission of, or attempt to commit, any of the offenses set out in Subsection (2) (b) of Section 2, Chapter 227, Laws of 1943, as amended,* in a detention home to be conducted as an agency of the court, or the court may arrange for the boarding of such children temporarily in foster homes, subject to the supervision of the court, or may arrange with an incorporated institution or agency or the department of public welfare for the temporary care of *such* children within the jurisdiction of the court."

Sec. 29, Ch. 227 Laws of 1943 amended.

Section 11. That Section 29 of Chapter 227 of the Laws of 1943, be, and the same is hereby amended to read as follows:

Appeals.

"Section 29. **Appeals.** In the case of a *delinquent* child an appeal to the supreme court may be taken by the party aggrieved in the manner provided by law or by rule of court for appeal in civil cases. In any case charging an adult with contributing to the delinquency of a child, an appeal may be taken to the supreme court in the manner provided by law or by rule of court for appeal in criminal cases. In any other case against an adult coming under this act an appeal may be taken to the supreme court in the manner provided by law or by rule of court for appeal in civil cases. An appeal, in the case of a *delinquent* child, shall not suspend the order of the court, nor shall it discharge the *delinquent* child from the custody of that court or of the person, institution or agency to whose care such *delinquent* child shall have been committed unless that court shall so order. If the supreme court does not dismiss the proceedings and discharge the *delinquent* child, it shall affirm or modify the order of the district court and remand the *delinquent* child to the jurisdiction of the district court for supervision and care, and thereafter the *delinquent* child shall be and remain under the jurisdiction of the district court in the same manner as if such court had made said order without an appeal having been taken."

Publicity forbidden.

Section 12. No publicity shall be given to any matter or proceeding in the juvenile court involving children proceeded against as, or found to be, delinquent children.

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Repealing clause.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 14. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 277

An Act to Provide Procedure For Securing a Jury Trial of Certain Civil Cases In the District Courts and Providing the Powers and Duties of District Judges, Clerks of District Courts, and the State Auditor of the State of Montana In Relation Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

District judge to cause jury to be secured to try civil action, in certain cases, upon request of party.

Section 1. When a civil action is pending and has been pending and at issue and ready for trial for more than two years in the district court of any county, in which the services of a jury are necessary to try issues of fact under the constitution or laws of the State of Montana, and no jury has been called or been in attendance for the trial of such case during such time, or when more than two years have elapsed since a jury was called and after such action was at issue and ready for trial in the county where such action is pending, then upon request in writing of any party to such action, filed with the clerk of the district court of the county wherein such action is pending, the district judge or judges must within ninety (90) days immediately thereafter cause a jury to be drawn, summoned, impanelled and sworn to try the issues in such action.

Duty of clerk of court.

Section 2. The clerk of such district court upon request being filed as provided in Section 1 of this act, shall immediately present such request to the judge or judges, if he or they are in the county at the time of the filing of such request; otherwise the clerk of such court shall forthwith transmit the original of such request, or a true copy thereof, to the judge or judges, by mail or other safe channel of communication.

Section 3. If the judge or judges of such district court fail or neglect to so cause to be drawn, summoned, impanelled and sworn a jury within the time as herein

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Clerk's duty, when judge fails to order jury drawn.

provided, then it shall be the duty of the clerk of such district court to issue forthwith under his hand and seal of his court, without any fee or fees therefor, a true copy of such request, and further certify to the fact that no jury has been drawn, summoned, impanelled and sworn to try such case within the time herein provided and transmit the same by mail to the state auditor of the State of Montana.

State auditor forbidden to draw further warrants in favor of such district judge.

Section 4. The state auditor upon receipt of the certificate as provided in Section 3 of this act shall not draw any further warrants in payment of the services of such district judge or judges or any advancements in payment of their services until receipt of a certificate from the clerk of such court to the effect that such case has been submitted to a jury, or said request as provided in Section 2 of this act has been withdrawn, or said action continued by stipulation of the parties thereto, or otherwise terminated by a dismissal or judgment.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1947.

CHAPTER 278

An Act to Amend Section 2737.1 of the Revised Codes of Montana, 1935, As Amended By Chapter 18 of the Session Laws of the Twenty-Eighth Legislative Assembly of Montana, 1943, Relating to the Power of the State Fire Marshal.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2737.1 R. C. M. as amended further amended.

Section 1. That Section 2737.1 of the Revised Codes of Montana, 1935, as amended by Chapter 18 of the Session Laws of the twenty-eighth legislative assembly of Montana, 1943, be, and the same is hereby amended to read as follows:

Powers of state fire marshal.

"Section 2737.1. **Power of the State Fire Marshal.** In addition to the powers heretofore granted, the state fire marshal shall have powers as per sections following:

1. The inspection and regulation of moving picture shows and theaters.

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2. Overseeing the safety of and directing the means and adequacy of exit in case of fire from factories, asylums, hospitals, *sanitariums,* churches, schools, halls, *gymnasiums,* theaters, amphitheaters, *studiums,* hotels and rooming houses, *dormitories, apartments, clubs, motor courts, tourist inns, restaurants, night clubs,* and all other places where large numbers of persons work, sleep, live or congregate from time to time for any purpose.

3. That the state fire marshal shall make at least one inspection during every year, of each state institution, and submit a copy of the report to the board of examiners with recommendations in regard to *fire prevention,* fire protection *and to the public safety.*

4. *The State Fire Marshal shall have authority to inspect public, business, or industrial buildings and to require conformance to standards of prevention and safety and of use of premises as promulgated by the National Board of Fire Underwriters, or by the United States Bureau of Standards.*

5. The state fire marshal and the commissioner of insurance are hereby given power to do all things necessary and convenient for carrying into effect the laws of this state governing this act and may, from time to time, promulgate necessary rules and regulations for the better protection of the lives and property of the public."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 279

An Act Providing For Public Safety In Case of Fire; For Fire Escapes and Fire Apparatus; and For Inspections of Certain Buildings Open to or Used By the Public; and Repealing Sections 2779, 2780, 2781, 2782, 2783, 2784, and 2785 of the Revised Codes of Montana, 1935, and Providing For Repeal of Acts In Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Purposes of act.

Section 1. The purpose and intent of this act is to provide for the public safety in case of fire in those buildings specified in Section 2 hereof open to or used by the public; to provide for fire escapes, fire fighting apparatus, fire alarms; and to provide for inspection of such buildings and premises by specified officers.

Application of act.

Section 2. This act shall apply to hotels, night clubs, boarding or rooming houses, apartments, dormitories, office buildings, theaters, gymnasiums, any place of public amusement or used for public gatherings, colleges, schools, stadiums, amphitheaters, factories, hospitals, motor courts, tourist inns, cabins, asylums, sanitariums, and all other places where large numbers of persons work, sleep, live, or congregate from time to time for any purpose but not to private residences.

Buildings to be equipped with fire escapes, and the number thereof required.

Section 3. All buildings described in Section 2 hereof, except private residences hereinafter erected or any building now erected, of two or more stories in height shall be equipped with not less than one adequate fire escape for each five thousand (5,000) square feet of lot area or fraction thereof occupied by the building. "First story" is defined as being the story the ceiling of which is first above the level of the grade, said ceiling being an average of five (5) feet or more above the ground surrounding the building.

Exterior fire escapes, defined and described.

Section 4. Adequate fire escapes provided for in the preceding section shall be of interior or exterior type. Exterior fire escapes shall be constructed of concrete stairway, an iron or steel stairway, an iron or steel straight chute, or it may be constructed of other fire-resistive material of equal strength, to which there shall be free, unoccupied and unobstructed passage, and free, unoccupied and unobstructed egress and ingress to and from the interior of the building; provided, however, where outside stairways do not reach the ground, same must have an iron stairway from the lowest balcony to the ground, counterbalanced so that same shall remain in horizontal position when not in use. This stairway must be constructed in the same manner and of the same material as those of the upper balconies. When a suspended weight is used as a counterbalance, proper guides or places must be provided. It is hereby made the duty of the state fire marshal to

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Minimum specifications.

prepare and promulgate minimum specifications for the construction and erection of each type of fire escape authorized by this act, which specifications shall be based upon a working stress of not less than sixteen thousand (16,000) pounds to the square inch for steel, twelve thousand (12,000) pounds to the square inch for wrought iron, and seven hundred (700) pounds to the square inch for concrete.

Interior fire escapes.

Specifications for interior fire escapes shall require that they be enclosed with non-combustible material and that all stairways, halls, air chutes, and laundry chutes and all door and window openings in such interior fire escapes be properly protected with automatic or self-closing fire doors or shutters and that all stairway escapes be continuous and suitably connected with the roof of the building.

Requirements for approval by fire marshal.

No fire escape shall be approved as complying with the provisions of this act, the material and erection of which are not at least the equivalent of the minimum specifications promulgated by the state fire marshal as herein provided.

Duties of owner or lessee of building in respect providing safety devices therein.

Section 5. It shall be the duty of the owner entitled to the beneficial use, rental or control, or if the owner be a non-resident, the occupant or lessee, of any building where fire escapes are required, also to provide and maintain, in good condition at all times, therein, proper guide signs and exit lights, which signs and lights shall be of a sufficient number on each floor to indicate the location of fire escapes and all entrances thereto. And it shall be unlawful to obstruct in any manner whatsoever any fire escape required by the provisions of this act, or hallway, corridor, or entrance-way leading thereto. All buildings within the scope of this act occupied at night by more than ten (10) persons, if more than one story in height shall have in each story an electrically operated gong or gongs, to be operated by any one of a number of switches, one of which shall be on each floor. Said gong or gongs shall not be less than six (6) inches in diameter and installed with not less than number fourteen (14) rubber covered wire. Provided, however, that in lieu of said gong or gongs, such buildings may be equipped with a telephone alarm system operated from a central switchboard. Wherever such telephone system is used in such buildings, an attendant shall be on duty at the central

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switchboard twenty-four (24) hours daily, the alarm from such switchboard shall be simultaneous in all rooms of the building, and a single switch at the switchboard shall operate said telephone alarm system.

Section 6.

Exterior stairways, location of.

a. Exterior stairways hereinafter installed shall be located on buildings as remote from interior stairways as possible.

Corridors to fire escapes.

b. In all buildings hereafter erected, or occupied at night for sleeping purposes, and which require a fire escape or fire escapes, the public corridors shall extend to all fire escapes.

Safety requirements.

c. In all buildings erected at the time of the passing of this act not more than one (1) room shall intervene between the corridor and the fire escape. When such a room intervenes said corridor shall have a glass panel extending from the top rail to the door knob and the glass shall be of a kind that is easily broken. Any lock on such corridor door shall be of a night-latch type that can be operated from inside the room without a key. Close to such door in the corridor side shall be kept an adequate instrument for breaking the glass, with an explanatory label, subject to the approval of the local fire chief or the state fire marshal.

Fire extinguishers.

Section 7. All buildings within the scope of this act shall keep on each floor one or more fire extinguishers of a capacity of not less than two and a half (2½) gallons in good working order; provided, that in lieu of said fire extinguishers such buildings may be equipped on each floor with a hose one and one-half inches (1½) in diameter in good condition with nozzle attached connected to standpipe with suitable water supply. Such hose shall be of sufficient length to reach all parts of the floor on which it is situated.

Duty of chiefs of city fire departments to inspect building and premises.

Section 8. It shall be the duty of the chief of the fire department of each city or village where a fire department is established and the mayor of the city or village where no fire department exists or the justice of the peace of a township in territory without the limits of a city or village at least once each six (6) months to enter into all buildings and upon all premises within his jurisdiction for the purpose of the examination of such premises for

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violations of this act. Such inspection shall include but shall not be limited to testing fire alarms, fire extinguishers, examining fire hose and attachments, and other fire apparatus, and examining fire escapes provided for herein. Copies of such inspection shall be filed in the office of the state fire marshal on forms to be provided by him.

When any building shall be found which required the erection of fire escapes, and upon which fire escapes have not been erected according to the provisions of this act, or if fire hoses, fire extinguishers, fire alarms, or other fire apparatus is found to be lacking or defective or not in good working condition, the person making such inspection or the state fire marshal shall serve a written notice upon the party or parties whose duty it is to erect such fire escapes, or maintain such fire apparatus. Said notice shall specify the time within which said fire escapes shall be erected, or such defective conditions be remedied, and in no case shall be more than ninety days; and said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified, or if deposited in the post office, directed to the last known address of the person to be notified. In case of buildings within the term of this act, that are managed and controlled by a board of trustees, board of commissioners, or other governing body, to cause the erection of fire escapes on said buildings, as may be required; provided, that the occupant or lessee of any building who is required to erect fire escapes under the provisions of this act, shall be entitled to reimburse himself for the cost and expense of erecting said fire escapes out of the rent or lease money of said premises, and such reimbursement shall not be construed to be a breach of any existing lease, contract, or any covenant thereof nor grounds for any action or damage ouster.

Notice to be given persons responsible, in case of buildings not equipped as in this act provided.

Occupant may reimburse himself out of rent for expense in erecting fire escapes, when.

The state fire marshal shall have general charge and supervision of the enforcement of the provisions of this act and such officers as above enumerated shall act under the general charge and supervision of the state fire marshal. Said officer shall assist the state fire marshal in giving effect to the terms and provisions of this act and shall be subject to his direction and to the rules and regulations adopted for the enforcement of this act.

State fire marshal charged with enforcement of act.

Section 10. Any person failing, neglecting, or refus-

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ing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars ($50), and each day's failure to comply with any of the provisions of this act, after the expiration of the time stipulated in the written notice provided for herein, shall constitute a separate offense, and it shall be the duty of the state fire marshal or any person authorized to act in his stead, to file complaint for violations of the provisions of this act in any court of competent jurisdiction within the county where said violations occur, and it shall be the duty of the county attorney of such county to forthwith prosecute all such complaints so filed.

Penalty.

Section 11. In addition to the other remedies and penalties herein provided, upon the failure of any of the parties charged with the duty so to erect fire escapes, or the installation and maintenance of fire alarm or fire extinguishers or other fire apparatus, in accordance with this law, the attorney general of the state, or any county attorney of the county where any such building is located, shall bring action against the owner, lessee, and occupants of any such building for an injunction enjoining the further occupancy of such building until compliance with this act. Such action may be brought in the county where such building is located.

Injunction enjoining further occupancy of building, when.

Section 12. Sections 2779, 2780, 2781, 2782, 2783, 2784, and 2785 of the Revised Codes of Montana of 1935 are hereby repealed and all other acts and parts of acts in conflict herewith or with any of the provisions hereof, are hereby repealed.

Repealing clause.

Section 13. This act shall be in full force and effect from and after its passage and approval.

Effective date.

Approved March 11, 1947.

CHAPTER 280

An Act to Amend Section 1263.5 of the Revised Codes of Montana of 1935, As Amended By Chapter 166 of the Montana Session Laws of 1939 and Chapter 64 of the Montana Session Laws of 1941, Relating to the Budget Meeting of Boards of High School Trustees and Giving of Notice of Such Meetings, By Excluding Section X

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of Part I of the Preliminary Budget From the Total Amount Appropriated.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 1263.5 of the Revised Codes of Montana, of 1935, shall be, and the same is hereby amended to read as follows:

Sec. 1263.5 R. C. M. amended.

"Section 1263.5. **Budget Meeting—Restriction on Appropriations — Maximum Allowance per Pupil — Extra Levy—Computation of Attendance.** The board of trustees of every district maintaining a high school and of every county high school, shall meet at the regular place of meeting of the board on the *fourth* Monday in June and consider, prepare and adopt a preliminary budget for the next ensuing school year for all high school purposes, and any taxpayer may appear at such meeting and be heard in regard to the preliminary budget. Such meeting may be continued from day to day, but not exceeding three (3) days in all for third class high school districts, or five (5) days in all for first and second class high school districts and county high schools. The total amount appropriated in Part 1 of the preliminary budget for any high school, *except Section X, entitled 'Cash Reserve Required to Maintain High School From July 1 to December 1 of Following Year', which shall be excluded from the total amount appropriated,* shall not exceed the total amount of estimated receipts for the general fund of such high school, as set out in the county superintendent's estimate of high school revenues, contained in the budget form, and the total amount appropriated in Part I of the preliminary budget for any high school, *except Section X entitled 'Cash Reserve Required to Maintain High School From July 1 to December 1 of Following Year', which shall be excluded from the total amount appropriated,* shall not in any event, exceed per eligible pupil enrolled and in regular attendance for forty (40) days or more, during the then current high school year in which the preliminary budget is adopted, the following maximums: (a) For a school enrolling sixty (60) or fewer pupils the budget shall not exceed *one hundred seventy-five dollars ($175.00)* for each such pupil. For a school enrolling more than sixty (60) pupils the maximum of *one hundred seventy-five dollars ($175.00)* shall be decreased at the rate of twenty-five cents (25c) for each

Budget meeting.

Restriction on appropriations.

Maximum allowance per pupil.

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such additional pupil until the number enrolled shall have reached a total of one hundred sixty (160) such pupils. For a school enrolling more than one hundred sixty (160) pupils the maximum of *one hundred fifty dollars ($150.00)* shall be decreased at the rate of fifteen cents (15c) for each such additional pupil until the number enrolled shall have reached two hundred sixty (260) such pupils. For a school enrolling more than two hundred sixty (260) pupils the maximum of *one hundred thirty-five dollars ($135.00)* shall be decreased at the rate of ten cents (10c) for each such additional pupil until the total number enrolled shall have reached three hundred sixty (360) such pupils. For a school enrolling more than three hundred sixty (360) pupils the maximum of *one hundred twenty-five dollars ($125.00)* shall be decreased at the rate of five cents (5c) for each such additional pupil until the total enrollment shall have reached five hundred sixty (560) such pupils. For a school enrolling more than five hundred sixty (560) pupils the maximum shall not exceed *one hundred fifteen dollars ($115.00)* for each such pupil *provided that the maximum per pupil for all pupils enrolled shall be figured on the basis of the amount allowed herein on account of the last enrolled eligible pupil; provided further that nothing herein shall be construed to limit the expenditure of any and all amounts received as tuition and from other states and counties for non-resident pupils in addition to all other expendible income budgeted for.*

In districts where application to establish one or more high schools.

(b) In districts where an application to establish a high school or high schools has been approved by the state superintendent of public instruction, the maximum for the first year shall be the same as that provided for under subdivision (a) of this section; provided *further,* that nothing herein contained shall be construed as preventing any school district from voting upon itself an additional levy for high school purposes, in accordance with the general school laws pertaining to the voting of additional levies by school districts.

Proviso, permitting district to vote an additional levy.

Determination of number of pupils enrolled and in regular attendance.

For the purpose of ascertaining and determining the number of pupils enrolled and in regular attendance for forty (40) days or more, for all the purposes of this act, there shall be excluded all pupils over the age of twenty-one (21) years, all pupils who have *been graduated from a* four (4) year accredited high school, *and all pupils enrolled in the school who are not resident of the county in which the high school is located."*

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Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective date.

Approved March 11, 1947.

CHAPTER 281

An Act to Amend Section 1201.3, Revised Codes of Montana 1935, As Amended By Chapter 108, Laws of 1943, As Amended By Chapter 129 Laws of 1945, Relating to State Common School Equalization Fund and the Distribution Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1201.3 Revised Codes of Montana 1935, as amended by Chapter 108, Laws of 1943, as amended by Chapter 129, Laws of 1945, be and the same is hereby amended to read as follows: Sec. 1201.3 R. C. M. as amended further amended.

"Section 1201.3. **Distribution of Fund—Reports may Be Required.** The state board of education at its meetings to be held in the months of July and December in each year, shall determine the minimum educational program which shall be equalized, and in determining such educational program shall consider the following factors: The minimum length of the school term; the levy required including levy for text books in order to maintain the school for such minimum term and with such minimum program; the taxable valuation of the district; the taxable valuation per child enrolled and in regular attendance; enrollment in regular attendance and minimum enrollment, and such other factors as said board may deem necessary for the purpose of carrying out the provisions of this act. Distribution of fund.

No amount shall be paid over to or distributed to any school district from the common school equalization fund, save and except under the following conditions: Conditions.

1. When, in order for a district to maintain a school for the minimum term and to provide the minimum educational program, as determined by the state board of education, it is necessary for the district to levy a tax of more than fifteen (15) mills, including any levy made for text book purposes. Necessary tax of more than 15 mills.

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Transportation and tuition requiring tax of 15 mills.

2. When the number enrolled and in regular attendance does not exceed ten (10) and they can be readily transported to another school, not more than ten (10) miles distant and the cost of transportation and tuition at such other school will require a tax levy of more than fifteen (15) mills.

Schools closed and pupils transported, when.

When application is made by any school district for aid from the common school equalization fund and it appears to the satisfaction of the state board of education that the school can be closed and the pupils transported to some other school, or board and rent furnished them in lieu of transportation while attending such other school, and that all cost and expense in connection with such pupils attending such other school will be less than the cost and expense of the district maintaining its school, and that by the district closing such school and providing for such transportation, or board or rent in lieu thereof, a less amount will be required from the said equalization fund, the state board of education must grant aid only in such amount as it may deem necessary under such conditions, and the amount granted may be used and expended by the school district in providing such transportation, or board and rent in lieu thereof.

Amount of grant, factors determining.

Whenever the state board of education shall determine that any school district is entitled to receive aid and assistance from such equalization fund, the board shall determine the minimum amount actually required to maintain such school, for the minimum term and educational program as determined by the board, or for tuition, transportation, or rent and board in lieu thereof, without any reserve being set up for the following school year, and shall also make a fair estimate of the cash balance, if any, on hand available for maintenance purposes, the amount which the district will receive from sources other than taxation for maintenance purposes and the amount which a levy of fifteen (15) mills, including any levy made for text books, will produce, and the total of such amounts shall be deducted from the amount determined by the board to be required for maintenance purposes, and the amount which may be granted such district from the equalization fund shall not exceed such difference, but may be fixed at a less amount.

Distribution of surpluses in equalization funds.

All surpluses in the state common school equalization fund, after one hundred thousand ($100,000.00) dollars

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have been apportioned under this act, for the year ending March 15, *1946,* shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand ($100,000.00) dollars have been apportioned under this act, for the year ending March 15, *1947,* shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. *After March 15, 1947,* all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Same, for years ending March 15, 1948 and March 15, 1949.

All surpluses in the state common school equalization fund, after one hundred thousand ($100,000.00) dollars have been apportioned under this act, for the year ending March 15, 1948, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. Likewise all surpluses remaining in said state common school equalization fund, after one hundred thousand ($100,000.00) dollars have been apportioned under this act, for the year ending March 15, 1949, shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935. After March 15, 1949, all monies credited to the state common school equalization fund shall be apportioned and distributed under the provisions of Section 1200.1 of the Revised Codes of Montana, 1935.

Power of state board of education.

The state board of education, acting as such common school equalization board shall have the power to require such reports from county superintendents of schools, county treasurers, and school trustees as it may deem necessary, and shall provide rules and regulations for the purpose of carrying out the provisions of this section, and providing, as nearly as possible, and as far as said fund will allow, nine (9) months schooling each year for every child in the common schools of the state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. This act shall be in full force and effect on and after its passage and approval.

Approved March 11, 1947.

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CHAPTER 282

An Act to Provide For the Establishment, Maintenance, Operation and Expansion of Non-Profit School Lunch Program In Schools of the State of Montana By Providing For: Definitions of "School Board," "School," "School Lunch Program;" Authority For the Superintendent of Public Instruction to: Accept and Disburse Federal Funds As Apportioned By the "National School Lunch Act (Public Law 396, 79th Congress, Chapter 281, 2nd Session);" Administration of Said Program By Entering Into Agreements, Prescribing Regulations, Employing Personnel and Performing Other Acts Necessary to Effectuate Said Program; Accounts, Records, Reports, and Operations; Studies, Appraisals and Reports to the Governor; Authority For Any School Board to Contract With the Superintendent of Public Instruction As Necessary to Carry Into Effect the School Lunch Program; Reversion of Funds Advanced In Course of Operation of Said Program to Fund From Which Original Payment Made; Authority For State Board of Education to Direct Any Change In the School Lunch Program Not Inconsistent With the National School Lunch Act; Written Quarterly Reports By the Superintendent of Public Instruction On All Phases of the School Lunch Program to the State Board of Education At Its Quarterly Meetings; Appropriation to Carry Out the Purposes of the Foregoing Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** For the purpose of this act:

"School board."

(a) "School board" means any board of trustees of any public school, grade or high school, of any school district in the State of Montana.

"School."

(b) "School" means any public school of grade or high school level in the State of Montana.

"School lunch program."

(c) "School lunch program" means a program under which lunches are served by any school in this state on a non-profit basis to children in attendance, including any such program under which a school receives assistance out of funds appropriated by the Congress of the United States.

Expenditure of federal funds.

Section 2. **Expenditure of Federal Funds.** The superintendent of public instruction is hereby authorized to

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accept and direct the disbursement of funds appropriated by act of congress and apportioned to the state for use in connection with school lunch programs, under the "National School Lunch Act," approved June 4, 1946 (Public Law 396, 79th Congress, Chapter 281, 2nd Session), and any amendments thereto. The superintendent of public instruction shall deposit all such funds received from the federal government in a special account with the treasurer of the state, who shall make disbursements therefrom upon the direction of the superintendent of public instruction.

Administration of program.

Section 3. **Administration of Program.** The superintendent of public instruction may enter into such agreements with any agency of the federal government, with any school board, or with any other agency or person, prescribe such regulations, employ such personnel, and take such other action, as he may deem necessary to provide for the establishment, maintenance, operation, and expansion of any school lunch program, and to direct the disbursement of federal and state funds in accordance with any applicable provisions of federal or state law. The superintendent of public instruction may give technical advice and assistance to any school board in connection with the establishment and operation of any school lunch program and may assist in training personnel engaged in the operation of such program. The superintendent of public instruction and any school board may accept any gift for use in connection with any school lunch program.

Reversion of funds advanced.

Section 4. **Reversion of Funds Advanced.** Any funds advanced by the superintendent of public instruction from state appropriated funds for operational or administrative costs or expenditures necessary to fulfill contracts with any federal agency or any school board, which are reimbursable by the federal agency or the school board under this act shall when so reimbursed revert to the fund from which the original payment was made.

Authority of school board.

Section 5. **Authority of School Board.** Any school board of any school is authorized to enter into contracts with the superintendent of public instruction for the purpose of obtaining funds, supplies and equipment, and facilities necessary to the establishment, operation and maintenance of a school lunch program in such school, and to operate or provide for the operation of school lunch

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programs in schools under their jurisdiction by using therefor funds disbursed to them under the provisions of this act, gifts and other funds received from sale of lunches under such programs, all in accordance with regulations prescribed by the superintendent of public instruction.

Accounts, records, reports and operations.

Section 6. **Accounts, Records, Reports and Operations.** The superintendent of public instruction shall prescribe regulations for the keeping of accounts and records and the making of reports by or under the supervision of school boards. Such accounts and records shall at all times be available for inspection and audit by authorized officials and shall be preserved for such period of time, not in excess of five (5) years, as the superintendent of public instruction may lawfully prescribe. The superintendent of public instruction shall conduct or cause to be conducted such audits, inspections, and administrative reviews of accounts, records, and operations with respect to school lunch programs as may be necessary to determine whether its agreements with school boards and regulations made pursuant to this act are being complied with, and to insure that school lunch programs are effectively administered.

Studies, appraisals, and reports to governor.

Section 7. **Studies, Appraisals, and Reports to Governor.** The superintendent of public instruction is hereby authorized, to the extent that funds are available for that purpose, and in cooperation with other appropriate agencies and organizations to conduct studies of methods of improving and expanding school lunch programs and promoting nutritional education in the schools, to conduct appraisals of the nutritive benefits of school lunch programs, and to report his findings and recommendations from time to time to the governor.

State board of education, report to.

Section 8. **State Board of Education, Report to, Authority.** The superintendent of public instruction shall report quarterly, in writing, at the regular quarterly meetings of the state board of education, on all phases of the school lunch program, including financial, administrative and operational phases and on such other matters as should be brought to the attention of said board; and the state board of education shall have authority to direct any change, alteration or modification in the school lunch program not inconsistent with the national school lunch act.

Authority of.

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Section 9. **Appropriation of State Funds.** There is hereby appropriated from the common school equalization fund of the state the sum of ten thousand dollars ($10,000.00) for the period beginning July 1, 1947, and ending June 30, 1948, and ten thousand dollars ($10,000.00) for the period beginning July 1, 1948, and ending June 30, 1949, to carry out the purposes of the foregoing act.

Appropriation of state funds.

Approved March 11, 1947.

CHAPTER 283

An Act to Amend Section 6453 Revised Codes of Montana, 1935, As Amended By Chapter 88, Laws of the Twenty-fifth Legislative Assembly of Montana, 1937, and to Amend Section 6454, Revised Codes of Montana, 1935, and to Amend Section 6455, Revised Codes of Montana, 1935, As Found In Chapter 42 of the Civil Code, Revised Codes of Montana, 1935, Relating to the Incorporation of Non-Profit Companies or Associations, Including Religious, Charitable, Fraternal, Benevolent and Beneficial Associations, and Medical Service, Hospital Service and Other Service Associations, and Limitations On Said Service Corporations, Whether Such Non-Profit Corporations Are Organized By Persons Previously Unassociated, or By and On Behalf of Existing Unincorporated Associations, Prescribing the Contents of Articles of Incorporation and Providing the Procedure For Incorporation and Requiring Filing of All Articles of Incorporation With the Secretary of State and For the Issuance of Certificates of Incorporation By the Secretary of State, and Filing By the County Clerk and Prescribing the Life and Powers of Such Corporations, and the Powers of Licensing Agencies and of the Attorney General With Respect Thereto, and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 6453, Revised Codes of Montana, 1935, as amended by Chapter 88, Laws of the twenty-fifth legislative assembly of Montana, 1937, shall be, and the same is hereby amended to read as follows:

Sec. 6453, R. C. M. as amended further amended.

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Incorporations by persons.

"Section 6453. (a) *Incorporations by persons. A non-profit corporation may be formed by any number of persons, not less than three for any lawful purposes such as religious, charitable, social, educational, recreational, scientific, or for the purpose of defraying or assuming the cost of professional services, including services rendered by doctors of medicine, or other professional licentiates recognized by the laws of the State of Montana, and/or services rendered by hospitals, or health centers, clinics or sanitoria, or acting as agent, representative or factor of such licentiates or hospitals, or for establishing and conducting benevolent associations or beneficial associations, agricultural, horticultural or viticultural or stockgrowers societies, stockgrowers associations, taxpayers organizations, and organizations promoting social welfare, or for the purpose of establishing and conducting libraries, museums, public or private charities, and all other associations of like character, including local, independent and subordinate organizations, and state supervisory, governing and grand organizations and bodies of any such societies, associations and organizations, provided that in all such cases, such incorporation or incorporated association, company, society or organization does not contemplate the distribution of pecuniary gains, profits or dividends to the members thereof, and that pecuniary profit is not the object, or any object of such incorporation hereunder. The carrying on of business by any non-profit corporation upon a basis which may earn legitimate operating and administrative expenses, discharge the obligations of any said corporation contracted within the scope of its powers hereunder, and the distribution of its assets to beneficial members in the event of dissolution of the corporation shall not be deemed forbidden to such non-profit corporations.*

Non-profit corporations, formation of.

Incorporation of existing unincorporated associations and organization.

(b) Incorporation of Existing Unincorporated Associations and Organizations. A non-profit corporation may be organized under this chapter for the purpose of incorporating an existing or hereafter organized unincorporated association, lodge, fraternal body, club, society, group or organization. As used herein the term unincorporated association shall signify and include: society, library, school, college, club, church, congregation, or denominational group, trustees of a charitable trust, chamber of commerce, lodges of Ancient Free and Accepted Masons, Independent Order of Odd Fellows, Knights of

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Columbus, Benevolent and Protective Order of Elks, Fraternal Order of Eagles, Loyal Order of Moose, groups of patrons of husbandry, posts of the American Legion, Veterans of Foreign Wars, Disabled American Veterans, foundations, federations, beneficial or benevolent societies, professional societies, literary societies, organizations lawfully advocating social, economic and moral reforms and public welfare programs, organizations described in (a) above, or any other lawful unincorporated organizations or associations provided that in all such cases such incorporation, or incorporated association, lodge, company, society or corporation does not contemplate the distribution of pecuniary gains, profits or dividends to the members thereof, and that pecuniary profit is not the object, or any object of such incorporation hereunder, subject to the provisions of (a) above. The fact that the grand, head or national body is unincorporated shall not prevent the incorporation of the subordinate body, but no subordinate body shall be incorporated unless such action is approved in writing by the grand, head or national body in accordance with its applicable rules and regulations, and such approval, or certified copy thereof is attached to the articles of incorporation submitted to the secretary of state. The seal of the subordinate body shall be its corporate seal.

Churches, religious societies, incorporation of.

(c) Churches, religious denominations and religious societies may incorporate hereunder, or at their election under Sections 6457-6461, Revised Codes of Montana, 1935, as amended and supplemented.

Health service corporations.

(d) Health Service Corporations. All health service corporations formed under this chapter for the purposes of defraying or assuming the cost of professional services of licentiates in the field of health, or the services of hospitals, clinics or sanitoria, or both professional and hospital services, or acting as agent, factor or representative of, or contracting on behalf of organizations of such licentiates, or group, groups, or organizations of hospitals, or both licentiate and hospital organizations, in the matter of prepaid service plans in the field of health, may not engage, directly or indirectly, in the performance of the corporate purposes or objects unless (1) at least one-fourth of all licentiates of the particular profession, or, in the case of hospital service corporations, at least one-fourth of the whole number of hospitals in the state become

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members; (2) membership in the corporation and an opportunity to render professional services upon a uniform basis is available to all licensed members of the particular profession where professional licentiates are involved, and membership in the corporation and an opportunity to render hospital services upon a uniform basis is available to all hospitals approved by or licensed by the state board of health where hospitals are involved; (3) a certificate has been issued to the corporation by the particular professional board whose licentiates have become members, or, in the case of hospitals by the licensing agency of such hospitals, finding compliance with the foregoing requirements. All health service corporations organized hereunder shall be subject to supervision by the particular professional board or hospital board or agency under which members or hospitals are licensed; and they shall at all times be subject to examination by the attorney general on behalf of the state, to ascertain the condition of affairs of any such corporation, and to what extent, if at all, any such corporation may fail to comply with trusts which it has assumed or may depart from the general purposes for which it is formed, and in case of any such failure or departure the attorney general shall institute, in the name of the state, the proceedings necessary to correct the same; and all such medical, hospital or health service corporations heretofore organized and existing under the non-profit corporation laws of Montana shall be subject to the provisions hereof. Such health service corporations are hereby prohibited from practicing any of the healing arts and, also, from operating or conducting hospitals or hospital services."

Sec. 6454 R. C. M. amended.

Section 2. That Section 6454, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Articles of incorporation of non-profit incorporations, contents of.

"Section 6454. *Articles of Incorporation of non-profit corporations. Contents. Execution and Filing. (a) The articles of incorporation shall state:*

1. *The name of the corporation.*

2. *The purposes for which it is formed and that it is a corporation which does not contemplate pecuniary gain or profit to the members thereof.*

3. *The complete mailing address including the city or town and the county in this state where the principal*

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office for the transaction of the business of the corporation is to be located.

4. The names and addresses of three or more persons who are to act in the capacity of directors until the selection of their successors and who may be given such title as may be deemed appropriate, but who shall be subject to all laws of this state relating to directors except as otherwise in this title provided. The number of persons so named shall constitute the number of directors of the corporation, until changed by an amendment to the articles or by a by-law adopted pursuant to authority contained in the articles.

5. The authorized number and qualifications of its members, including natural persons, corporations, and associations, the different classes of membership, if any, the property, voting and other rights and privileges of each class of membership, and the liability of each or all classes to dues or assessments and the method of collection thereof, may be set forth either in the articles or in the by-laws.

6. The name of the existing unincorporated association, if any, which is being incorporated.

7. If desired, any lawful provision for the regulation of the affairs of such corporation, including restrictions upon the power to amend all or any part of the articles of incorporation.

Incorporation by individuals.

(b) *Incorporation by Individuals. The persons who are to act in the capacity of first directors must subscribe the articles of incorporation, and the signatures of any other persons desiring to associate with said persons for the purpose of forming such corporation may also be subscribed thereto, and such execution shall be acknowledged before an officer designated by the laws of this state as one before whom an acknowledgment may be made. Any other signatures to the articles must be acknowledged in the same manner. Any certificate of acknowledgment taken without the state must be authenticated by the certificate of an officer having the requisite official knowledge of the qualification of the officer before whom the acknowledgment was made.*

Unincorporated associations.

(c) *Unincorporated Associations. In the case of the incorporation of an unincorporated association which has a presiding officer, president or other head, and a secre-*

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tary or an acting secretary, clerk, scribe or other similar officer, the articles of incorporation need be subscribed and acknowledged only by such officers, and there shall be attached thereto, (a) an affidavit by said officers that such association has duly authorized its incorporation, and that the officers have executed the articles by authority of such association, and (b) a certified copy of the resolution of the membership of the association authorizing incorporation.

Submission of articles to secretary of state.

(d) *Submission of Articles. The articles shall be submitted to the secretary of state for filing in his office and if they conform to law he shall file the same and place thereon an indorsement of the date of filing, and issue a certificate of incorporation.*

Name of corporation, restrictions relating to.

(e) *Name. The secretary of state shall not file articles of incorporation which set forth a name which is likely to mislead the public or which is the same as or resembles so closely as to tend to deceive.*

(1) The name of a domestic corporation, or

(2) The name of a foreign corporation which is authorized to transact business in this state, or

(3) A name which is under reservation with the secretary of state for another corporation.

The use by a corporation of a name in violation of this section may be enjoined, notwithstanding that its articles may have been filed by the secretary of state.

Filing of copy of articles.

(f) *Filing of Copy of Articles. A copy of the articles certified by the secretary of state and bearing the endorsement of the date of filing in his office, shall be filed in the office of the county clerk of the county in which the corporation is to have its principal office.*

Effect of filing.

(g) *Effect of filing. When filed, the articles or certified copies thereof shall have the same force and effect in evidence as to the properly certified articles of a stock corporation."*

Sec. 6455 R. C. M. amended.

Section 3. That Section 6455, Revised Codes of Montana, 1935, shall be, and the same is hereby amended to read as follows:

Powers of corporation.

"Section 6455. *Upon the filing of the articles by the secretary of state the corporation shall be created and*

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shall continue to exist perpetually, unless otherwise provided by law, and shall possess the following powers:

1. To sue and be sued;

2. To contract and be contracted with;

3. To receive property by devise or bequest, subject to the laws regulating the transfer of property by will, and to otherwise acquire and hold all property, real or personal, including shares of stock, bonds and securities of other corporations;

4. To act as trustee under any trust incidental to the principal objects of the corporation, and to receive, hold, administer, and expend funds and property subject to such trust;

5. To convey, exchange, lease, mortgage, encumber, transfer upon trust or otherwise dispose of all property, real or personal;

6. To borrow money, contract debts, and issue bonds, notes and debentures, and secure the same;

7. To do all other acts necessary or expedient for the administration of the affairs and attainment of the purposes of the corporation;

8. To have and use a corporate seal."

Repealing clause.

Section 4. All acts and parts of acts in conflict with this act shall be, and the same hereby are repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 284

An Act to Set the Standards of the Practices of Civil Engineering and Land Surveying and to Safeguard Life, Health, Property and Promote the Public Welfare; Providing For the Registration of Qualified Persons As Civil Engineers and Land Surveyors, and Providing For the Certification of Engineers-In-Training; Defining the Terms "Civil Engineer", "Engineer-In-Training", "Practice of Civil Engineering", "Land Sur-

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veyor" and "Practice of Land Surveying"; Creating a State Board of Registration For Civil Engineers and Land Surveyors and Providing For the Appointment of Its Members; Fixing the Term of the Board and Defining Its Powers and Duties; Setting Forth the Minimum Qualifications and Other Requirements For Registration; Making the Administration of This Act Self Supporting By Establishing Fees With Expiration and Renewal Requirements; and Providing For the Enforcement of This Act and Penalties For Its Violation.

Be it enacted by the Legislative Assembly of the State of Montana:

General provisions.

Section 1. **General Provision.** In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice civil engineering or land surveying in this state, as a professional or registered engineer or land surveyor, shall be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and from and after the first day of January, 1948, it shall be unlawful for any person to practice or to offer to practice in this state, civil engineering or land surveying, as defined in the provisions of this act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a civil engineer or a land surveyor, unless such person has been duly registered under the provisions of this act.

Submission of evidence of his qualifications required of person practicing civil engineering.

Practice of civil engineering after Jan. 1, 1948 by person not registered made unlawful.

Short title of act.

Section 2. **Short Title.** This act shall be known and may be cited as the Montana Civil Engineers' Registration Act.

Definitions.

Section 3. **Definitions.** The following terms, when used in this act, shall have the following meanings, unless the context clearly requires otherwise;

"Civil engineer."

(1) **Civil Engineer.** The term "civil engineer" within the meaning and intent of this act shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice civil engineering as hereinafter defined, as attested by his legal registration as a civil engineer.

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"Engineer in training."

(2) **Engineer-in-Training.** The term "engineer-in-training" as used in this act shall mean a candidate for registration as a civil engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college approved by the board as of satisfactory standing, or who has had four years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has successfully passed the examination in the fundamental engineering work, as provided in Section 15 of this act, and who shall have received from the board, as hereinafter defined, a certificate stating that he has successfully passed this portion of the examinations.

"Practice of civil engineering."

(3) **Practice of Civil Engineering.** The term "practice of civil engineering" within the meaning and intent of this act shall mean any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision, of construction for the purpose of assuring compliance with specifications and design, in connection with any of the following: river, irrigation, hydraulic, water supply, sewers and sewage disposal projects, railroad design and construction, and structures; highway design and construction projects; structural design and construction projects. A person shall be construed to practice or offer to practice civil engineering, within the meaning and intent of this act, who practices any branch of the profession of civil engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a civil engineer, or through the use of some other title implies that he is a civil engineer; or that he is qualified to practice any specialized branch within the field of civil engineering; or who holds himself out as able to perform, or who does perform, for remuneration, any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as civil engineering.

"Land surveyor."

(4) **Land Surveyor.** The term "land surveyor" as used in this act shall mean a person who engages in the practice of land surveying as hereinafter defined.

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"Practice of land surveying."

(5) **Practice of Land Surveying.** The practice of land surveying within the meaning and intent of this act includes surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

"Board."

(6) **Board.** The term "board" as used in this act shall mean the state board of registration for civil engineers and land surveyors, provided for by this act.

State board of registration for civil engineers and land surveyors, creation and membership of.

Section 4. **Board — Appointments — Terms.** A state board of registration for civil engineers and land surveyors is hereby created whose duty it shall be to administer the provisions of this act. The board shall consist of five (5) civil engineers, who shall be appointed by the governor and shall have the qualifications required by Section 5. The members of the first board shall be appointed within thirty (30) days after the taking effect of this act, to serve for the following terms: One member for one (1) year, one member for two (2) years, one member for three (3) years, one member for four (4) years, and one member for five (5) years, from the date of the taking effect of this act, or until their successors are fully appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. Each member of the board first appointed hereunder shall receive a certificate of registration under this act from said board. On the expiration of the term of any member, the governor shall appoint for a term of five (5) years a registered civil engineer, having the qualifications required by Section 5, to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. A member of the board may be appointed to succeed himself.

Appointments.

Terms.

Board, qualifications of members.

Section 5. **Board — Qualifications.** Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice of civil engineering for at least twelve (12) years, and shall have been in responsible charge of important engineering work for at least five (5) years. Responsible

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charge of engineering teaching may be construed as responsible charge of important engineering work.

Section 6. **Board—Compensation and Expenses.** Each member of the board shall receive such compensation as the board may direct, not to exceed the sum of ten dollars ($10.00) per diem, when actually attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act.

Same: compensation.

Expenses.

Section 7. **Board—Removal of Members—Vacancies.** The governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in Section 4.

Same: removal of members.

Vacancies.

Section 8. **Board—Organization and Meetings.** The board shall hold a meeting within thirty (30) days after its members are first appointed, and thereafter shall hold at least one (1) regular meeting each year. Special meetings shall be held at such time as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect or appoint annually the following officers: A chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of not less than three (3) members.

Same: organization.

Meetings.

Officers.

Section 9. **Board—Powers.** The board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of the duties and the regulations of the proceedings before it. The board shall adopt and have an official seal.

Same: powers.

In carrying into effect the provisions of this act, the board, under the hand of its chairman and the seal of the board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued,

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or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

Receipts and disbursements.

Section 10. **Receipts and Disbursements.** The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund to be known as the "civil engineers' fund". Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only by warrants drawn by the state auditor, upon vouchers issued and signed by the chairman and the secretary of the board. All moneys in the "civil engineers' fund" are hereby specifically appropriated for the use of the board. The secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "civil engineers' fund". The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided for in Section 6. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act, including the expenses of the board's delegates to annual conventions of, and membership dues to, the national council of state boards of engineering examiners. Under no circumstances shall the total cost of warrants issued by the state auditor in payment of the expenses and compensation provided for in this act exceed the amount of the examination and registration fees collected as herein provided.

"Civil engineers' fund."

Surety bond of secretary required.

Warrants limited by amount of fees collected.

Records.

Section 11. **Records and Reports.** The board shall keep a record of its proceedings and a register of all applica-

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tions for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the board; and (i) such other information as may be deemed necessary by the board.

Prima facie evidence of proceedings of board.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Reports.

Annually, as of June 30th, the board shall submit to the governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the board, attached by affidavits of its chairman and its secretary.

Roster.

Section 12. **Roster.** A roster showing the names and places of business of all registered civil engineers and all registered land surveyors shall be published by the secretary of the board during the month of January of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the secretary of state and furnished to the public upon request.

General requirements for registration.

Section 13. **General Requirements for Registration.** The following shall be considered as minimum evidence that the applicant is qualified for registration as a civil engineer, or land surveyor, or for certification as an engineer-in-training, respectively:

Civil engineer: graduation plus experience.

(1) As a civil engineer:

(a) Graduation plus experience.

Graduation in an approved engineering curriculum of four (4) years or more from a school or college approved by the board as of satisfactory standing; and a specific record of an additional four (4) years or more of experience in engineering work before or after graduation of a character satisfactory to the board and indicating that the applicant is competent to practice civil engineering (in counting years of experience, the board at its discretion may give credit, not in excess of one (1) year, for

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satisfactory graduate study in engineering) provided that in a case where the evidence presented in the application does not appear to the board conclusive nor warranting the issuing of a certificate of registration, the applicant may be required to present further evidence for the consideration of the board, and may also be required to pass an oral or written examination, or both, as the board may determine; excepting that for the period to and including January 1st, 1952, the experience above referred to, required of a candidate who has served in the armed forces of the United States (in the last war) shall be for such candidate two (2) years before or after graduation; or

Examination plus experience.

(b) Examination plus experience.

Successfully passing a written, or written and oral, examination designed to show knowledge and skill approximating that attained through graduation in an approved four (4) year engineering curriculum; and a specific record of eight (8) years or more of experience in engineering of a character satisfactory to the board and indicating that the applicant is competent to practice civil engineering; or

Long established practice.

(c) Engineers of long established practice.

A specific record of twelve (12) years or more of lawful practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice civil engineering and has had responsible charge of important engineering work for at least five (5) years, and provided applicant is not less than thirty-two (32) years af age.

Engineer-in-training; graduation plus examination

(2) As an engineer-in-training:

(a) Graduation plus examination.

Graduation in an accredited engineering curriculum of four (4) scholastic years or more from a school or college approved by the board as of satisfactory standing, and successfully passing a written examination in the basic engineering subjects: or

Experience plus examination.

(b) Experience plus examination.

A specific record of four (4) years or more of experience in engineering work of a character satisfactory to the board, and successfully passing a written examination in the basic engineering subjects.

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(3) As a land surveyor:

Land surveyor: graduation plus experience.

(a) Graduation plus experience.

Graduation from a school or college approved by the board as of satisfactory standing, including the completion of an approved course in surveying; and an additional two (2) years or more of experience in land surveying of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

Examination plus experience.

(b) Examination plus experience.

Successfully passing a written, or written and oral, examination in surveying prescribed by the board; and a specific record of six (6) years or more of experience in land surveying of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

Long established practice.

(c) Land surveyors of long established practice.

A specific record of ten (10) years or more of lawful practice in land surveying of a character satisfactory to the board, and provided applicant is not less than thirty (30) years of age.

Character.

Character. No person shall be eligible for registration as a civil engineer or land surveyor or certification as an engineer-in-training, who is not of good character and reputation. The board shall make an investigation of the character, reputation and ability of such applicant.

Teaching credits.

Teaching Credits. In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

Education credits.

Education Credits. The satisfactory completion of each year of an approved curriculum in engineering in a school or college, approved by the board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Section 13 (1) b and (2) b. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two (2) years of experience in Section 13 (1) b and (2) b; provided, however, that no applicant shall receive credit for more than four (4) years of experience because of undergraduate educational qualifications.

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Applications.

Section 14. **Applications and Registration Fees.** Applications for registration shall be on forms prescribed and furnished by the board, shall contain statement made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five (5) references, of whom three (3) or more shall be engineers having personal knowledge of his engineering experience.

Registration fees for civil engineers.

The registration fee for civil engineers shall be twenty-dollars ($20.00), ten dollars ($10.00) of which shall accompany application, the remaining ten dollars ($10.00) to be paid upon issuance of certificate. When a certificate of qualification issued by the national bureau of engineering registration is accepted as evidence of qualification, the total fee for registration as civil engineer shall be ten dollars ($10.00).

For engineer-in-training.

The fee for engineer-in-training shall be ten dollars ($10.00), which shall accompany the application and shall include the cost of examination and issuance of certificate. When registration as a civil engineer is completed by an engineer-in-training, an additional fee of ten dollars ($10.00) shall be paid before issuance of certificate as civil engineer.

For land surveyors.

The registration fee for land surveyors shall be ten dollars ($10.00) which shall accompany application.

Should the board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

Examinations.

Section 15. **Examinations.** When oral or written examinations are required, they shall be held at such time and place as the board shall determine. When examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the examination by the applicant shall constitute a credit for a period of ten (10) years. The board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that he has passed the examination and that his name has been recorded as an engineer-in-training.

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Scope and methods.

The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in civil engineering and in land surveying. A candidate failing on examination may apply for re-examination at the expiration of six (6) months and will be re-examined without payment of additional fee. Subsequent examination will be granted upon payment of a fee to be determined by the board.

Re-examination.

Section 16. **Certificates—Seals.** The board shall issue a certificate of registration upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this act. In the case of a registered engineer, the certificate shall authorize the "practice of civil engineering". In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as "engineer-in-training". In the case of a registered land surveyor, the certificate shall authorize the "practice of land surveying". Certificates of registration and certificates as engineer-in-training shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

Certificate of registration.

Prima facie evidence.

The issuance of a certificate of registration by this board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered civil engineer, or of a registered land surveyor, while the said certificate remains unrevoked or unexpired.

Seal.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered civil engineer", or "registered land surveyor". Plans, specifications, plats and reports prepared by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant

Sealing plans, reports and documents.

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named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

Expiration of certificate.

Section 17. **Expirations and Renewals.** Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed, provided, however, that certificates issued prior to January 1, 1948 shall expire December 31, 1948. It shall be the duty of the secretary of the board to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one (1) year; such notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five dollars ($5.00) for either a civil engineer or land surveyor, or both. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent (10%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Renewal, and fee.

Practicing at time act becomes effective.

Section 18. **Practitioners at Time Act Becomes Effective.** At any time within one (1) year after this act becomes effective, upon the application therefor and the payment of the registration fee of twenty dollars ($20.00) for civil engineers, or ten dollars ($10.00) for land surveyors, the board shall issue a certificate of registration, without oral or written examination, to any civil engineer or land surveyor who shall submit evidence under oath satisfactory to the board that he is of good character, has been a resident of the State of Montana for at least one (1) year immediately preceding the date of his application, and was practicing civil engineering if an engineer, or land surveying if a surveyor, at the time this act becomes effective, and has performed work of a character satisfactory to the board. Civil engineers or land surveyors who are in the military service of the United States at the time this act becomes effective who are residents of this state at the time of entering such service, and who

Civil engineers and land surveyors in military service.

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were practicing engineering if an engineer, or land surveying if a surveyor, immediately preceding or during said service, and have performed work of a character satisfactory to the board shall be registered under this act upon the application therefor and payment of the registration fee at any time within one (1) year after their respective honorable separations from said service. Graduates in an approved engineering curriculum of four (4) years or more from a school or college approved by the board as of satisfactory standing, who are in the military service of the United States at the time this act becomes effective, shall be certified as Engineers-in-training without examination, upon due application therefor and payment of the fee of ten dollars ($10.00), at any time within one (1) year after honorable separation from said service.

After this act shall have been in effect one (1) year, the board shall issue certificates of registration only as provided for in Section 13 or Section 20, except as provided in the next preceding paragraph to those in the military service.

Section 19. **Registration by Endorsement.** The board may, upon application therefor, and the payment of a fee of ten dollars ($10.00), issue a certificate of registration as a civil engineer to any person who holds a certificate of qualification or registration issued to him by proper authority of the national council of state boards of engineering examiners, or of the national bureau of engineering registration, or of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this act and the rules established by the board.

Registration by endorsement, when.

Section 20. **Revocations—Reissuance of Certificates.** The board shall have the power to revoke the certificates of registration of any registrant who is found guilty of:

Revocation of certificates.

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of civil engineering or land surveying as a registered civil engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be

Charges.

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sworn to by the person making them and shall be filed with the secretary of the board.

Hearing, time limit for.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they shall have been preferred.

Procedure.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

Vote required for revocation.

If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered civil engineer or land surveyor.

Re-issue of certificate.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three (3) or more members of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, and a charge of three dollars ($3.00) shall be made for such issuance.

Appeal to district court.

Any person who shall feel aggrieved by any action of the board in denying or revoking his certificate of registration may appeal therefrom to the district court of the county in which such denial or revocation was made, and, after full hearing, said court shall make such decree sustaining or reversing the action of the board as to it may seem just and proper.

Violations.

Section 21. **Violations and Penalties.** Any person who shall practice, or offer to practice, civil engineering or land surveying in this state, as a professional or registered engineer or land surveyor, without being registered in accordance with the provisions of this act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the

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board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or suffer imprisonment for a period not exceeding three (3) months, or both. Penalties.

Section 22. **Saving Clause.** This act shall not be construed to prevent or to effect: Saving clause.

(a) The practice of electrical, mechanical, chemical, or mining engineering as distinguished from the practice of civil engineering, or the design or execution of civil engineering works which form only a minor part of electrical, mechanical, chemical, or mining projects by an engineer practicing in any of these fields when such work is ordinarily designed and supervised by him as part of the major work, but this shall not entitle any such person to be considered a registrant under this act or entitle such person to assume any title or description tending to convey the impression he is a civil engineer; or Practitioners in other fields of engineering.

(b) The practice of any other legally recognized profession or trade; or

(c) The execution of work by a contractor as distinguished from the planning or design thereof or the supervision of the construction of such work as a foreman or superintendent; or Contractor.

(d) The practice of a person not a resident of and having no established place of business in this state, practicing or offering to practice herein the profession of civil engineering or land surveying when such practice does not exceed in the aggregate more than thirty (30) days in any calendar year; provided, such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act; or Practice by non-resident.

(e) The practice of a person not a resident of and

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Practitioner who has filed application for registration.

having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice engineering or land surveying herein for more than thirty (30) days in any calender year, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this act; provided, that such a person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

Employee or subordinate of holder of certificate.

(f) The work of an employee of a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under paragraphs (d) or (e) of this section, provided such work does not include final designs or decisions and is done under the direct responsibility, checking, and supervision of a person holding a certificate of registration under this act or a person practicing lawfully under paragraph (d) or (e) of this section; or

Certified architect.

(g) A person duly registered and holding a certificate to practice architecture under the laws of this state, practicing engineering solely insofar as such laws permit him to do engineering work in connection with any building of which he is the architect.

Restriction against use of title of civil engineer or land surveyor.

But nothing in the foregoing proviso contained shall be considered to entitle any person therein specified to be considered a registrant under this act or to entitle such person to use in connection with his name, or otherwise assume, use or advertise, any title or description tending to convey the impression that such person is a civil engineer or land surveyor; or

Officers and employees of federal government.

(h) The practice of officers and employees of the government of the United States while engaged within this state in the practice of the profession of civil engineering or land surveying, for said government.

Invalid sections.

Section 23. **Invalid Sections.** If any section or sections of this act shall be declared unconstitutional or invalid, this shall not invalidate any other sections of this act.

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Repealing clause.

Section 24. **Repeal of Conflicting Legislation.** All laws or parts of laws in conflict with the provisions of this act shall be, and the same are hereby, repealed.

Approved March 11, 1947.

CHAPTER 285

An Act to Amend Section 4 of Chapter 142 of the Session Laws of the Twenty-ninth Legislative Assembly of the State of Montana For 1945, Relating to Licensing of Slot Machines.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 4, Ch. 142, Laws of 1945 amended.

Section 1. That Section 4 of Chapter 142 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, for 1945, be, and the same is hereby amended to read as follows:

"Section 4. The state board of equalization is hereby authorized, empowered and directed to collect the license fees herein provided for. All monies received from said state licenses, shall be paid over by the state board of equalization to the state treasurer and deposited to the credit of a fund hereby created, known as the "Slot Machine License Fund". Out of said fund there shall be paid, on claims regularly presented against the state and approved by the state board of examiners, the cost of enforcing this act, including the salaries and traveling expenses of all agents or employees necessarily employed by the state board of equalization, and all other expenses of enforcing the provisions of this act.

Slot machine license fund.

At the end of each quarter year, commencing with the quarter ending September 30, 1945, the state treasurer shall deposit in the general fund of the State of Montana any unexpended balance in said slot machine license fund in excess of ten thousand dollars ($10,000.00).

Surplus to be deposited in state general fund.

All licenses issued under this act shall expire on the first day of January following the issuance of said license and a full year's license fee shall be charged regardless of when said license is issued."

Expiration of licenses.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

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Effective date.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

CHAPTER 286

An Act to Amend Section 1999 of the Revised Codes of Montana, 1935, As Amended By Chapter 130, Laws of 1937, and By Chapter 107, Laws of 1941, Relating to Classification of Property For Taxation.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1999 R. C. M. as amended further amended

Section 1. That Section 1999 of the Revised Codes of Montana, 1935, as amended by Chapter 130, Laws of 1937 and Chapter 107, Laws of 1941, be, and the same is hereby amended to read as follows:

Classification of property for taxation.

"Section 1999. **Classification of Property for Taxation.** For the purpose of taxation the taxable property in the state shall be classified as follows:

Class one.

Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by Section 2090 of the Revised Codes of Montana 1935; also where the right to enter upon land to explore or prospect or dig for oil, gas, coal, or mineral is reserved in land by any person, or corporation, the surface title to which has passed to another, the assessor and the state and county boards of equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, oil, coal, or minerals, and the same shall be placed in this classification for the purpose of taxation.

Net proceeds of mines.

Right of exploration or prospecting.

Class two.

Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Household goods.

Tools and machinery.

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Class three. Class Three. Livestock, poultry, and all agricultural products *except grain, hay and vegetables on the farm or in storage awaiting processing;* stocks of merchandise of all sorts, together with furniture and fixtures used therewith; and all office *or* hotel furniture and fixtures. Livestock, merchandise, etc.

Class four. Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana. Land, etc.

Class five. Class Five. (a) All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms "moneys and credits" as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this state. Moneys and credits.

Poles and lines of rural electrification associations. (b) All poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by co-operative rural electrical associations organized under the laws of Montana.

Grain, etc. (c) *Grain, hay and vegetables on the farm, or in storage awaiting processing.*

Class six. Class Six. The shares of stock of national banking associations and the moneyed capital employed in conducting a banking business by any other banking corporation, association or individual in this state. Such money ascertained by deducting from the moneys and credits of such banking corporation, association, or individual, the amount of the deposits and any indebtedness representing money borrowed for use in said business, and the value of the shares of any national banking association, to be ascertained by deducting the value of all real estate of such association. Bank stock.

Class seven. Class Seven. All property not included in the six preceding classes."

Repealing clause. Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective date. Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1947.

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CHAPTER 287

An Act to Empower Municipalities and Other Political Subdivisions to Promulgate, Administer, and Enforce Airport Zoning Regulations Limiting the Height of Structures and Objects of Natural Growth, and Otherwise Regulating the Use of Property In the Vicinity of Airports, and to Acquire, By Purchase, Grant, or Condemnation, Air Rights and Other Interests In Land; to Provide Penalties and Remedies For Violations of This Act or of Any Ordinance or Regulation Made Under the Authority Conferred Herein; and For Other Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** As used in this act, unless the context otherwise requires:

"Airport."

(1) "Airport" means any area, of land or water, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights of way, whether heretofore or hereafter established.

"Airport hazard."

(2) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking off at any airport or restricted landing area or is otherwise hazardous to such landing or taking off.

"Airport hazard area."

(3) "Airport hazard area" means any area of land or water upon which an airport hazard might be established if not prevented as provided in this act.

"Political subdivision."

(4) "Political subdivision" means any municipality, city, town, village, or county of this state and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

"Person."

(5) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock as.o-

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ciation, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(6) "Structure" means any object constructed or installed by man, including, but without limitation, buildings, towers, smoke-stacks, and overhead transmission lines. "Structure."

(7) "Tree" means any object of natural growth. "Tree."

Section 2. **Airport Hazards Contrary to Public Interest.** It is hereby found that an airport hazard endangers the lives and property of users of the airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft thus tending to destroy or impair the utility of the airport and the public investment therein. Accordingly, it is hereby declared: (a) that the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question; (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and (c) that this should be accomplished, to the extent legally possible, by exercise of the police power, without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein. Airport hazard declared public nuisance. Removal of such hazards declared public purposes.

Section 3. **Power to Adopt Airport Zoning Regulations.**

(1) In order to prevent the creation or establishment of airport hazards, every political subdivision having an airport hazard area within its territorial limits may adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow. Airport zoning regulations, power to adopt.

(2) Where an airport is owned or controlled by a political subdivision and any airport hazard area apper- Joint airport zoning board.

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taining to such airport is located outside the territorial limits of said political subdivision, within or without the state the political subdivision owning or controlling the airport and the political subdivision within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subsection (1) in the political subdivision within which such area is located. Each such joint board shall have as members two (2) representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed.

Power of political subdivision owning or controlling airport when hazard is outside of such subdivision.

(3) If in the judgment of a political subdivision owning or controlling an airport, the political subdivision within which is located an airport hazard area appertaining to that airport, has failed to adopt or enforce reasonably adequate airport zoning regulations for such area under subsection (1) and if that political subdivision has refused to join in creating a joint airport zoning board as authorized in subsection (2), the political subdivision owning or controlling the airport may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between such regulations and any airport zoning regulations adopted by the political subdivision within which the airport hazard area is located, the regulations of the political subdivision owning or controlling the airport shall govern and prevail.

Comprehensive zoning regulations.

Section 4. Relation to Comprehensive Zoning Regulations.

Zoning regulations may be incorporated in comprehensive zoning regulations.

(1) Incorporation. In the event that a political subdivision had adopted, or hereafter adopts, a comprehensive zoning ordinance regulating, among other things, the height of buildings, any airport zoning regulations applicable to the same area or portion thereof, may be incorporated in and made a part of such comprehensive zoning regulations, and be administered and enforced in connection therewith.

Conflict: which regulation shall govern.

(2) Conflict. In the event of conflict between any airport zoning regulations adopted under this act and any other regulations applicable to the same area, whether the

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conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Section 5. **Procedure for Adoption of Zoning Regulations.**

Procedure for adoption of zoning regulations.

(1) Notice and Hearing. In adopting, amending, and repealing airport zoning regulations under this act, the political subdivision or joint airport zoning board shall follow the procedure prescribed by the laws of this state for the adoption, amendment, the repeal of comprehensive zoning regulations, as provided in Sections 5305.1 to 5305.9 inclusive, Revised Codes of Montana for 1935, as amended.

Notice and hearing.

(2) Airport Zoning Commission. Prior to the initial zoning of any airport hazard area under this act, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city planning commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission.

Airport zoning commission.

Section 6. **Airport Zoning Requirements.**

Airport zoning requirements.

(1) Reasonableness. All airport zoning regulations adopted under this act shall be reasonable and none shall impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of this act. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable.

Reasonableness.

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Non-conforming uses.

(2) Non-conforming Uses. No airport zoning regulations adopted under this act shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in Section 7 (3).

Permits and variances.

Section 7. **Permits and Variances.**

Permits.

(1) Permits. When advisable to facilitate the enforcement of this act, a system may be established for granting permits to establish or construct new structures and other uses. In any event, before any non-conforming structure may be replaced with a taller one or any non-conforming tree allowed to grow higher or be replanted, a permit must be secured from the administrative agency authorized to administer and enforce the regulations, authorizing such replacement or change. No such permit shall be granted that would allow the structure to become a greater hazard to air navigation than it was when the applicable regulation was adopted; and whenever the administrative agency determines that non-conforming structure or tree has been abandoned or more than eighty (80%) per cent torn down, destroyed, deteriorated, or decayed, no permit shall be granted that would allow said structure or trees to exceed the applicable height limit or otherwise deviate from the zoning regulations. Except as indicated, all applications for permits for replacement, change or repair of non-conforming uses shall be granted.

Variances.

(2) Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of airport zoning regulations adopted under this act, may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this act; Provided, that any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this act.

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(3) Hazard Marking and Lighting. In granting any permit or variance under this section, the administrative agency or board of adjustment may, if it deems such action advisable to effectuate the purposes of this act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Hazard marking and lighting.

Section 8. **Administration of Airport Zoning Regulations.**

Administration of regulations.

All airport zoning regulations adopted under this act shall provide for the administration and enforcement of such regulations by an administrative agency which may be an agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations or of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment. The duties of any administrative agency designated pursuant to this act shall include that of hearing and deciding all permits under Section 7 (1), but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment.

Administrative agency.

Section 9. **Board of Adjustment. Appeals—Judicial Review.**

(1) All airport zoning regulations adopted under this act shall provide for a board of adjustment to be appointed in the manner and have and exercise all the powers provided in Section 5305.7, Revised Codes of Montana for 1935, as amended, and each and all of the provisions of said section relating to appeals and judicial review shall be applicable to this act.

Board of adjustment.

Appeals and judicial review.

Section 10. **Constitutional Limitation.**

In any case in which airport zoning regulations adopted under this act, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or

Constitutional limitations.

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parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Enforcement and remedies.

Section 11. **Enforcement and Remedies.** Each violation of this act or of any regulations, orders, or rulings promulgated or made pursuant to this act, shall constitute a misdemeanor and shall be punishable by a fine of not more than five hundred ($500.00) dollars or imprisonment for not more than six (6) months, or by both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision or agency adopting zoning regulations under this act may institute in any court of competent jurisdiction, an action to prevent, restrain, correct or abate any violation of this act, or of airport zoning regulations adopted under this act, or of any order or ruling made in connection with their administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this act and of the regulations adopted and orders and rulings made pursuant thereto.

Acquisition of air rights.

Section 12. **Acquisition of Air Rights.** In any case in which: (1) it is desired to remove, lower, or otherwise terminate a non-conforming structure or use; or (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under this act; or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or non-conforming use is located or the political subdivision owning the airport or served by it may acquire, by purchase, grant, or condemnation in the manner provided by the law under which political subdivisions are authorized to acquire real property for public purposes, such air right, avigation easement, or other estate or interest in the property or non-conforming structure or use in question as may be necessary to effectuate the purposes of this act.

Severability.

Section 13. **Severability.** If any provision of this act or the application thereof to any person or circumstances

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is held invalid, such invalidity shall not affect the provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Short title.

Section 14. **Short Title.** This act shall be known and may be cited as the "Airport Zoning Act".

Repealing clause

Section 15. **Repeal.** All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved March 11, 1947.

CHAPTER 288

An Act Relating to Aeronautics; Providing For Acquisition, Construction, Maintenance, Operation and Regulation By Municipalities and Counties of Airports and Air Navigation Facilities Within or Without the State, and Declaring Such to Be a Public Purpose; Authorizing Eminent Domain Proceedings; Providing Tax Exemptions For Municipal Airports and Income Thereof; Authorizing Leasing of Airports, Supplying of Services In Airport Operation, and Liens to Secure Payment Thereof, Granting Extraterritorial Jurisdiction; Authorizing Penalties For Violation of Municipal Ordinances and Regulations; Providing For Appropriations, Levying of Taxes, and Acceptance of Federal and State Aid; Authorizing Joint Action By Municipalities and Other Public Agencies; Providing For Mutual Aid Between Municipalities; and to Make Uniform the Law With Reference to Public Municipal Airports.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** As used in this act, unless the text otherwise requires:

"Airport."

(a) "Airport" means any area, of land or water, except a restricted landing area, which is designed for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurte-

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nant rights of way, whether heretofore or hereafter established.

"Air navigation facility"

(b) "Air navigation facility" means any facility other than one owned or controlled by the federal government, used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking-off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted area, and any combination of any or all of such facilities.

"Airport hazard."

(c) "Airport hazard" means any structure, object of natural growth, or use of land, which obstructs the air space required for the flight of aircraft in landing or taking-off at any airport or restricted landing area or is otherwise hazardous to such landing or taking-off.

"Municipality."

(d) "Municipality" means any county, city, village or town of this state and any other political subdivision, public corporation, authority, or district in this state which is or may be authorized by law to acquire, establish, construct, maintain, improve, and operate airports and other air navigation facilities.

"Person."

(e) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee or other similar representative thereof.

Section 2. **General Powers of Municipalities in the Establishment Acquisition, Operation and Maintenance of Airports and Air Navigation Facilities.**

Power of municipalities to construct, operate airports, and incidental powers.

(a) Establishment, Operation, Land Acquisition. Every municipality is authorized, out of any appropriations or other moneys made available for such purposes, to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the territorial limits of such municipality and within or without the territorial boundaries of this state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort

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and accommodation of air travelers, and the purchase and sale of supplies, goods and commodities as an incident to the operation of its airport properties. For such purposes the municipality may use any available property that it may now or hereafter own or control and may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airport or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards or to prevent the establishment of airport hazards.

Acquisition of existing airports.

(b) Acquisition of Existing Airports. The municipality may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire existing airports and air navigation facilities, provided however it shall not acquire or take over any airport or air navigation facility owned or controlled by another municipality or public agency of this or any other state without the consent of such municipality or public agency.

Establishment of airports on public waters and reclaimed lands.

(c) Establishment of Airports on Public Waters and Reclaimed Lands. For the purposes of this act, a municipality may establish or acquire and maintain, within or bordering upon the territorial limits of the municipality, airports in, over and upon, any public waters of this state, any submerged lands under such public waters, and any artificial or reclaimed lands which before the artificial making or reclamation thereof constituted a portion of the submerged lands under such public waters; and may construct and maintain terminal buildings, landing floats, causeways, roadways and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

Air navigation facilities, limitation on design and operation of.

(d) Limitation on Design and Operation of Air Navigation Facilities. All air navigation facilities established or operated by municipalities shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state governments.

Section 3. **Eminent Domain.** In the acquisition of property by eminent domain proceedings authorized by this act, the municipality shall proceed in the manner provided by the laws governing eminent domain of the

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State of Montana. The municipality shall not be precluded from abandoning such proceedings in any case where possession of the property has not been taken.

Disposal of airport property.

Section 4. **Disposal of Airport Property.** Except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to Section 11 of this act, every municipality may by sale, lease or otherwise, dispose of any airport, air navigation facility or other property, or portion thereof or interest therein, acquired pursuant to this act. Such disposal by sale, lease, or otherwise, shall be in accordance with the laws of this state, or provisions of the charter of the municipality, governing the disposition of other property of the municipality or agency of the state or federal government for aeronautical purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the governing body of the municipality may deem in the best interest of the municipality.

Operation and use privileges.

Section 5. **Operation and Use Privileges.**

Under municipal operation.

(a) Under Municipal Operation. In operating an airport or air navigation facility owned, leased or controlled by a municipality, such municipality may, except as may be limited by the terms and conditions of any grant, loan, or agreement pursuant to Section 11 of this act, enter into contracts, leases and other arrangements for a term not exceeding twenty years with any persons (1) granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof, or space therein for commercial purposes; (2) conferring the privilege of supplying goods, commodities, things, services or facilities at such airport or air navigation facility; or (3) making available services to be furnished by the municipality or its agents at such airport or air navigation facility.

Charges and fees may be fixed by municipality.

In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the municipality.

Under other operation.

(b) Under Other Operation. Except as may be limited by the terms and conditions of any grant, loan, or agree-

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ment pursuant to Section 11 of this act, a municipality may by contract, lease or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed twenty (20) years the privilege of operating, as agent of the municipality or otherwise, any airport owned or controlled by the municipality; provided that no such person shall be granted any authority to operate such an airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the municipality might not have undertaken under subsection (a) of this section.

Liens in favor of municipality.

Section 6. **Liens.** To enforce the payment of any charges for repairs or improvements to or storage or care of, any personal property made or furnished by the municipality or its agents in connection with the operation of an airport or air navigation facility owned or operated by the municipality, the municipality shall have liens on such property, which shall be enforceable by the municipality as provided by law.

Delegation of authority to officer, board or agency.

Section 7. **Delegation of Authority to Airport Officer or Board.** Any authority vested by this act in a municipality or in the governing body thereof, for the planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing of airports or other air navigation facilities established, owned or controlled, or to be established, owned or controlled by the municipality may be vested by resolution of the governing body of the municipality in an officer or board or other municipal agency whose powers and duties shall be prescribed in the resolution; provided, however, that the expense of such planning, establishment, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation, protection and policing shall be a responsibility of the municipality.

Proviso relating to expense of establishment, maintenance, etc.

Regulations and jurisdiction.

Section 8. **Regulations and Jurisdiction.**

Scope.

(a) Scope. A municipality, which has established or acquired or which may hereafter establish or acquire an airport or air navigation facility, is authorized to adopt, amend and repeal such reasonable ordinances, resolutions, rules, regulations and orders as it shall deem necessary for the management, government and use of such airport

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or air navigation facility under its control, whether situated within or without the territorial limits of the municipality. For the enforcement thereof, the municipality may, by ordinance or resolution, as may by law be appropriate, appoint airport guards or police, with full police powers, and fix penalties, within the limits prescribed by law, for the violation of the aforesaid ordinances, resolutions, rules, regulations and orders. Said penalties shall be enforced in the same manner in which penalties prescribed by other ordinances, or resolutions of the municipality are enforced. To the extent that an airport or other air navigation facility controlled and operated by a municipality is located outside the territorial limits of the municipality, it shall, subject to federal and state laws, rules and regulations, be under the jurisdiction and control of the municipality controlling or operating it, and no other municipality shall have any authority to charge or exact a license fee or occupation tax for operations thereon.

Conformity to federal and state law.

(b) Conformity to Federal and State Law. All ordinances, resolutions, rules, regulations or orders which are issued by the municipality shall be kept in substantial conformity with the laws of this state or any regulations promulgated or standards established pursuant thereto, and, as nearly as may be, with the federal laws governing aeronautics and the rules, regulations and standards duly issued thereunder.

Appropriations and taxation.

Section 9. **Appropriations and Taxation.** The governing body of any municipality having power to appropriate and raise money, is hereby authorized to appropriate, and to raise by taxation or otherwise, sufficient moneys to carry out the provisions and purposes of this act, within the limitations prescribed by law.

Application of airport revenues and sale proceeds.

Section 10. **Application of Airport Revenues and Sale Proceeds.** The revenues obtained by a municipality from the ownership, control or operation of any airport or air navigation facility, including proceeds from the sale of any airport or portion thereof or air navigation facility property, shall be deposited in a special fund to be designated the "..... Airport Fund", which revenues shall be appropriated solely to, and used by the municipality for, the purposes authorized by this act.

Federal and state aid.

Section 11. **Federal and State Aid.**

Acceptance authorized.

(a) Acceptance Authorized, Conditions. Every municipality is authorized to accept, receive, receipt for, dis-

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burse and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both to accomplish, in whole or in part, any of the purposes of this act. All federal moneys accepted under this section shall be accepted and expended by the municipality upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be accepted and expended by the municipality upon such terms and conditions as are prescribed by the state. Unless otherwise prescribed by the agency from which such moneys were received, the chief financial officer of the municipality shall, on its behalf deposit all moneys received pursuant to this section and shall keep them, in separate funds designated according to the purposes for which the moneys were made available, in trust for such purposes.

Disposition of moneys received.

Provided, however, that no application shall be made by any municipality for federal aid, as herein provided, until and unless the "project application", as defined in the federal airport act of 1946 and regulations of the administrator of civil aeronautics, shall have first been approved by the state aeronautical commission.

Project application must first be approved by state aeronautical commission.

(b) Aeronautics Commission as Agent. A municipality is authorized, with the approval and consent of the Montana aeronautics commission, to designate the said aeronautics commission as its agent to accept, receive, receipt for and disburse federal and state moneys, and other moneys, public or private, made available by grant or loan or both to accomplish, in whole or in part, any of the purposes of this act; and to designate the said commission, first having its consent, as its agent in contracting for and supervising the planning, acquisition, development, construction, improvement or equipment of any airport or other air navigation facility. All contracts made, let or awarded by the state aeronautics commission acting as agent of a municipality under authority of this section, shall be made, let or awarded pursuant to the laws governing the making of contracts by or on behalf of the state. Such municipality may enter into an agreement with the said aeronautics commission, providing for payment to said aeronautics commission for services rendered as such agent, and prescribing the terms and conditions of the agency in accordance with such terms and conditions as

Aeronautics commission as agent.

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are prescribed by the United States, if federal money is involved, and in accordance with the applicable laws of this state. All federal moneys accepted under this section by the state aeronautics commission shall be accepted and transferred or expended by said commission upon such terms and conditions as are prescribed by United States. All moneys received by the state aeronautics commission pursuant to this subsection shall be deposited in the state treasury, and unless otherwise prescribed by the agency from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes.

Deposit of moneys.

Section 12. **Mutual Aid.** If any municipality determines that the public interest and the interests of the municipality will be served by assisting any other municipality or municipalities in exercising the powers and authority granted by this act, such municipality may furnish assistance by gift of real or personal property, or lease or loan thereof with or without charge or interest. In appropriating such property or money and providing for such assistance by taxation, the issuance of bonds, or other means, the municipality may exercise all of its powers as though used for its own direct purposes as provided in this act.

Mutual aid between municipalities.

Section 13. **Contracts.** A municipality may enter into any contracts necessary to the execution of the powers granted it, and for the purposes provided by this act.

Contracts by municipalities.

Section 14. **Joint Operations.**

Joint operations.

(a) Authorization. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality, as defined in this act, any agency of the state government and of the United States, and any municipality, political subdivision and agency of another state; and the term "governing body" means the governing body of a county or municipality, and the head of the agency if the public agency is other than a county or municipality. All powers, privileges and authority granted to any municipality by this act may be exercised and enjoyed jointly with any public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or

Authorization "Public agency."

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enjoyment. If not otherwise authorized by law, any agency of the state government when acting jointly with any municipality, may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a municipality.

(b) Agreement. Any two or more public agencies may enter into agreements with each other for joint action pursuant to the provisions of this section. Concurrent action by ordinance, resolution or otherwise of the governing bodies of the participating public agencies shall constitute joint action. Each such agreement shall specify its duration, the proportionate interest which each public agency shall have in the property, facilities and privileges involved, the proportion to be borne by each public agency of preliminary costs and costs of acquisition, establishment, construction, enlargement, improvement, and equipment of the airport or air navigation facility, the proportion of the expenses of maintenance, operation, regulation and protection thereof to be borne by each, and such other terms as are required by the provisions of this section. The agreement may also provide for: amendments thereof, and conditions and methods of termination of the agreement; the disposal of all or any of the property, facilities and privileges jointly owned, prior to or upon said property, facilities and privileges, or any part thereof, ceasing to be used for the purposes provided in this act, or upon termination of the agreement; the distribution of the proceeds received upon any such disposal, and of any funds or other property jointly owned and undisposed of; the assumption or payment of any indebtedness arising from the joint venture which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

Agreements between public agencies.

(c) Joint Board. Public agencies acting jointly pursuant to this section shall create a joint board which shall consist of members appointed by the governing body of each participating public agency. The number to be appointed, their term and compensation, if any, shall be provided for in the joint agreement. Each such joint board shall organize, select officers for terms to be fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect

Joint board.

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and police any airport or air navigation facility or airport hazard to be jointly acquired, controlled and operated, and such board may exercise on behalf of its constituent public agencies all the powers of each with respect to such airport, air navigation facility or airport hazard, subject to the limitations of sub-section (d) of this section.

Limitations of joint board.

(d) Limitations of Joint Board.

Expenditures.

(1) Expenditures. The total expenditures to be made by the joint board for any purpose in any calendar year shall be determined by a budget approved by the governing bodies of its constituent public agencies.

Acquisitions beyond sums allotted.

(2) Acquisitions Beyond Sums Allotted. No airport, air navigation facility, airport hazard, or real or personal property, the cost of which is in excess of sums therefor fixed by the joint agreement or allotted in the annual budget, may be acquired by the joint board without the approval of the governing bodies of its constituent public agencies.

Eminent domain proceedings.

(3) Eminent Domain. Eminent domain proceedings under this section may be instituted only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired shall be held by said public agencies as tenants in common until conveyed by them to the joint board.

Disposal of real property.

(4) Disposal of Real Property. The joint board shall not dispose of any airport, air navigation facility or real property under its jurisdiction except with the consent of the governing bodies of its constituent public agencies, provided that the joint board may, without such consent, enter into the contract, lease or other arrangements contemplated by Section 5 of this act.

Police regulations.

(5) Police Regulations. Any resolutions, rules, regulations or orders of the joint board dealing with subjects authorized by Section 8 of this act shall become effective only upon approval of the governing bodies of the constituent public agencies provided that upon such approval, the resolutions, rules, regulations or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinance, resolutions, rules, regulations or orders of each public agency would have in its own territory or jurisdiction.

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(e) Joint Fund. For the purpose of providing a joint board with moneys for the necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Each of the constituent public agencies shall provide its share of the fund from sources available to each. Any federal, state or other contributions or loans, and the revenues obtained from the joint ownership, control and operation of any airport or air navigation facility under the jurisdiction of the joint board shall be paid into the joint fund. Disbursements from such fund shall be made by order of the board, subject to the limitations prescribed in sub-section (d) of this section. Joint fund.

Section 15. **Public Purpose, County and Municipal Purpose.** The acquisition of any land or interest therein pursuant to this act, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, protection and policing of airports and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to municipalities and other public agencies, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity; and in the case of any county, are declared to be county functions and purposes as well as public and governmental; and in the case of any municipality other than a county, are declared to be municipal functions and purposes as well as public and governmental. All land and other property and privileges acquired and used by or on behalf of any municipality or other public agency in the manner and for the purposes enumerated in this act, shall, and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity, and, in the case of a county or municipality, for county or municipal purposes, respectively. Public and governmental purposes, declaration of. County functions. Municipal functions.

Section 16. **Airport Property and Income Exempt From Taxation.** Any property in this state acquired by a municipality for airport purposes pursuant to the provisions of this act, and any income derived by such municipality from the ownership, operation or control thereof, Airport property and income exempt from taxation.

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shall be exempt from taxation to the same extent as other property used for public purposes. Any municipality is authorized to exempt from municipal taxation any property, acquired within its boundaries by a public agency of another state for airport purposes, and any income derived from such property, to the extent that such other states authorize similar exemptions from taxation to municipalities of this state.

Municipality may exempt from taxation certain property and income therefrom.

Section 17. **Supplementary Authority.** In addition to the general and special powers conferred by this act, every municipality is authorized to exercise such powers as are necessarily incidental to the exercise of such general and special powers.

Supplementary authority.

Section 18. **Savings Clause—Airport Zoning.** Nothing contained in this act shall be construed to limit any right, power or authority of a municipality to regulate airport hazards by zoning.

Construction of act in relation to municipal airport zoning.

Section 19. **Interpretation and Construction.** This act shall be so interpreted and construed as to make uniform so far as possible the laws and regulations of this state and other states and of the government of the United States having to do with the subject of municipal airports.

Interpretation and construction.

Section 20. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Severability of act.

Section 21. **Repeal.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealing clause.

Section 22. **Short Title.** This act may be cited as the "Municipal Airports Act".

Short title.

Approved March 11, 1947.

CHAPTER 289

An Act to Provide For a Tax On Cigarettes, As Herein Defined: Defining Terms Hereof; Providing For Licenses, Providing Method For the Administration and Enforcement of This Act and Collection of Said Tax.

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Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** As used in this act, the following definitions shall apply unless the context otherwise requires:

"Board."

(a) The word "board" shall mean the state board of equalization of the State of Montana.

"Person."

(b) The word "person" shall mean any individual firm, fiduciary, partnership, corporation, trust, organization, or association however formed.

"Stamp."

(c) The word "stamp" shall mean the stamp provided by the state board of equalization, under the provisions of this act.

"Insignia."

(d) The word "insignia" shall mean the impression or mark approved by the state board of equalization, used in lieu of stamps, under the provisions of this act.

"Public warehouse."

(e) The words "public warehouses" shall mean agents or representatives of manufacturers who receive cigarettes in car load lots for distribution to distributors and retailers in original cases.

"Distributor."

(f) The word "distributor" shall mean any person engaged in the business of producing or manufacturing cigarettes or importing any thereof into this state, for purpose of distribution or sale.

"Licensed distributor."

(g) The words "licensed distributor" shall mean distributor duly licensed under the provisions of this act.

"Dealer."

(h) The word "dealer" shall mean any person other than a distributor, who is engaged in the business of selling cigarettes at retail, and shall also mean cigarette vending machines.

"Licensed dealer."

(i) The words "licensed dealer" shall mean any person other than a distributor, who is duly licensed under the provisions of this act.

"Sale."

(j) The words "sale" and "sell" shall mean and include any transfer of cigarettes by sale, gift, barter or exchange.

Distributors' and dealers' license required.

Section 2. **Distributors' and Dealers' License—Application—Fees.** Every such distributor or dealer shall secure a license from the board before engaging in such business, or continuing to engage therein, after July 1,

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Application for license.

1947. A separate application and a separate license shall be required for each place of business owned, controlled or operated by such person within the State of Montana. Application for such license shall be made on forms prescribed by the board, which shall state the name and address of the applicant, the name, address and place of business to be licensed, the type of business, and such other information as the board may require for the proper administration of this act. Each application for a distributor's license shall be accompanied by a fee of fifteen dollars ($15.00). Each application for a dealer's license shall be accompanied by a fee of five dollars ($5.00). No dealer shall be granted a distributor's license except a retailer who also performs, in the usual course of business, a distributor's or wholesaler's function. Each license so issued shall be permanently and prominently displayed on the premises covered by the license. Distributors and dealers licensed under this act may buy, sell or have in their possession, only such cigarettes upon which has the stamp or insignia provided for in this act on each individual package. The stamps or insignia provided for in this act shall be sold to, and affixed by, licensed distributors and retailers only. A distributor's license shall not authorize the holder thereof to make sale of cigarettes at retail in less than carton lots, provided, however, before said distributor shall make any such sale at retail, the stamp or insignia shall be affixed to each individual package. Each cigarette vending machine shall be licensed at a particular place of business, provided that only one machine is to be licensed at a particular place of business where the licensee has more than one machine in operation.

Fee.

Display of license.

Sale and possession limited to stamped packages.

Carton lots.

Cigarette vending machines to be licensed.

Section 3. **License—Duration.** Each license so issued shall be valid until surrendered, or revoked by the board, or unless the business or place for which such license was issued, shall be transferred, in which event the holder of the license, shall immediately return it to the board for cancellation.

Duration of license.

Section 4. **Revocation of License.** The board may revoke the license of any dealer or distributor for failure to comply with any provision of this act, or with any lawful rule or regulation of the board made pursuant hereto. Any person aggrieved by such revocation may apply to the board for a hearing, and may further appeal to the

Revocation of license.

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court, as hereinafter provided. When a license has been duly revoked, no license shall again issue to such licensee for a period of one (1) year thereafter. Any person who shall sell cigarettes after his license has been revoked is guilty of a misdemeanor, and shall be punished as hereinafter provided, and all cigarettes in his possession shall be seized and forfeited to the state.

Sale of cigarettes after revocation, penalties for.

Section 5. **Unlawful to Possess or Sell Without License.** No person shall sell, offer to sell, or possess with intent to sell, any cigarettes, at wholesale or retail, unless a license so to do has first been issued to him under the provisions of this act. Any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished as hereinafter provided, and all cigarettes in his possession shall be seized and forfeited to the state.

Unlawful to possess or sell without license.

Section 6. **The Tax.** From and after the effective date of this act, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following tax which shall be paid prior to the time of sale and delivery thereof, to-wit: Two cents (2c) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2c) on each additional multiple of twenty (20) cigarettes or fraction thereof.

The tax.

Within seventy-two (72) hours after receipt by the distributor or retailer of any such cigarettes, except as hereinafter provided, he shall cause to be securely affixed thereto, the required stamp denoting the tax thereon. Said stamps shall be properly cancelled prior to sale or removal for consumption under such regulations as the board may prescribe. Each package shall have the required stamp affixed thereto in such a manner that the stamp will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license, stamp or insignia provided for in this act, or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) or more than fourteen (14) years.

Stamps to be affixed, when.

Manner of affixing stamps.

Counterfeiting, making or altering license or stamp, penalty for.

Section 7. **Stamps Prepared by Board—Inventory.** The board shall prepare and have suitable stamps for use

Stamps to be prepared by board.

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on each package of cigarettes, and shall keep an accurate record of all stamps received by it, and of all stamps delivered, under the provisions of this act. Except as hereinafter specifically provided, the board shall sell the stamps only to licensed distributors and retailers, and the money received by the board under the provisions of this act shall be paid to the state treasurer, and by him credited to the general fund of the state, provided that out of said money there shall be paid on claims regularly presented against the state and approved by the state board of examiners, the costs of enforcing and the expenses of administering the provisions of this act. Provided further, however, that wholesale distributors of cigarettes located outside of this state, may, upon application, be issued a distributor's license and may purchase such stamps from the board and affix such stamps to the package, to be imported and sold in this state, and authorized to cancel the same in the manner prescribed by the regulations of the board.

Disposition of money received by board.

Distributors located outside of state.

On or before the 5th day of July, 1947, every distributor and dealer in this state shall file a duly verified inventory with the board, specifying the number of packages of cigarettes in his possession or control on July 1, 1947. The inventory shall be on forms prescribed by the board, and shall be accompanied by a remittance sufficient to pay the tax on cigarettes in stock on July 1, 1947. Immediately upon receipt of such inventory and remittance, the board shall forward to the distributor and dealer the required number of stamps, and immediately upon receipt of such stamps, the distributor or dealer shall affix the same to the packages of cigarettes specified in the inventory, and cancel the same as directed by the board. Thereafter, such stamps shall be affixed to packages of cigarettes only by licensed distributors and retailers. Provided, however, the provisions of this act shall not apply to public warehouses acting as agents of manufacturers.

Filing of inventory on or before July 5, 1947, required.

Affixing and cancelling stamp.

Public warehouses.

Section 8. **Stamps Purchased at Discount.** Every licensed distributor and retailer shall be entitled to purchase said stamps at a discount of ten per cent (10%) of their face value, upon payment therefor.

Stamps purchased at discount.

Section 9. **Use of Tax Stamping Meters.** The board may authorize any manufacturer, distributor or retailer of cigarettes to use a tax stamping meter machine with which to place an insignia upon each package of cigar-

Use of tax stamping meters.

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ettes imported, sold, or delivered in this state, in lieu of said stamps. The insignia shall be one approved by the board. Each individual package of cigarettes imported into this state, delivered or sold therein shall be marked with the proper insignia of such tax stamping meter machine and thereafter any original package of cigarettes so marked may be lawfully possessed and sold within the state by any distributor or dealer licensed under this act. The board shall supervise and check the operation of such tax stamping meter machines. That the operator of such machine shall take the meter thereof to the county treasurer, of the county in which the machine is operated, who is authorized to, and shall set said meter for the number of packages specified and required by the operator. That the county treasurer shall immediately report to the board on forms prescribed by it, the name of the operator and the number of packages for which said meter was set, and the distributor or retailer, using such tax stamping meter machine, within ten (10) days from the first day of the month of the following month, shall remit to the board the amount of the tax due on the packages of cigarettes for which said tax stamping meter machine was set to stamp for the preceding month.

Insignia.

Supervision and checking meter machines.

That any distributor or retailer using such tax stamping meter machine shall be required to furnish a surety bond, to be approved by the board, in the sum of five thousand dollars ($5,000.00) condition for the payment of the tax due on packages of cigarettes stamped by said tax stamping meter machines.

Surety bond of user of meter machine.

Section 10. **Distributors May Not Sell Stamps.** No distributor or retailer shall resell to any other distributor or retailer any stamps purchased by him from the board. Any distributor or retailer who has on hand any unused or uncancelled stamps at the time of discontinuing his business of selling cigarettes, may return such stamps to the board and be paid ninety per cent (90%) of their face value.

Distributors may not sell stamps.

Section 11. **Records to Be Kept by Distributors.** All such distributors shall keep for a period of one (1) year, all invoices of cigarettes purchased and imported by them, all receipts issued by them and stamps purchased, also, an accurate record of all sales of cigarettes made within the state, showing the name and address of each purchaser, the date of sale, the quantity of each kind sold,

Records to be kept by distributors.

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the name of any carrier, the shipping point and destination. Such distributor shall permit the board, its assistants, authorized agents or representatives to examine all taxable items of cigarettes, invoices, receipts, books, paper, memoranda and records, as may be necessary to determine whether the tax stamping meter machine has been used as required, or the stamps required by this act had been purchased and used, or to determine the amount of such tax as may be due or unpaid.

Purchaser of unstamped package or fails to take cigarettes from stamped package penalized.

Every person who purchases any package of cigarettes which does not bear the stamp or insignia required by this act, and every person who shall use or consume within this state, any cigarettes, unless the same shall be taken from the original package having affixed thereto the stamp or insignia required by this act, is guilty of a misdemeanor and shall be punished as hereinafter provided.

Maintaining building where cigarettes are sold in violation of act constitutes misdemeanor.

Every person having possession or control of, or who maintains a building or place where cigarettes are sold in violation of this act, or permits the same to be done in any place or building possessed, controlled or maintained by him, is guilty of maintaining and keeping a nuisance and the building or place so used, together with the personal property and fixtures used in connection therewith shall be deemed a nuisance, and such person shall be enjoined and such building or place, personal property and fixtures abated as a nuisance, at the instance of the state.

Nuisance, injunction and abatement.

Carriers to report shipments.

Section 12. **Carriers to Report Shipments.** Every common carrier hauling, transporting or shipping into or out of the State of Montana, from or to any other state, any cigarettes shall, when so required by the board, report in writing of such shipments or deliveries to the board, on blanks furnished by it, giving the date, the person to whom the same was consigned and delivered and the quantity as shown by the bill of lading, and such other information as the board may require.

Unlawful to transport unstamped cigarettes.

Section 13. **Unlawful to Transport Unstamped Cigarettes.** It shall be unlawful for any person to transport into, receive, carry or move from place to place within this state, except in the course of interstate commerce, any unstamped cigarettes. Any person violating the provisions of this section is guilty of a misdemeanor and shall be punished as hereinafter provided, and any motor vehicle, airplane, conveyance, vehicle or other means of transporta-

Penalty.

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tion in which cigarettes are being transported, together with the cigarettes and other equipment or personal property used in connection with such transportation, and found in such means of transportation, shall be subject to seizure by the board, its duly authorized agent, or any sheriff or deputy, or other police officer, with or without process, and shall be subject to forfeiture in the manner hereinafter provided.

Seizure and forfeiture.

Section 14. **Seizures.** Upon the seizure of any cigarettes, and within two (2) days thereafter, the person or officer making such seizure shall deliver an inventory of the property seized to the person from whom such seizure was made, if known, and file a copy thereof with the board. Within ten (10) days after the date of service, the person from whom the seizure was made, or any other person claiming an interest in the property seized, may, within thirty (30) days from such seizure, institute an action in the district court of the county where such seizure was made, to determine the issue of forfeiture. In case a judgment of forfeiture is entered, unless such judgment is stayed pending an appeal to the supreme court, the board shall, as soon as convenient, sell such forfeited property and remit the proceeds, less court costs to the state treasurer who shall deposit the same to the general fund of the state. In the event no action is instituted, as herein provided, such seized property shall be deemed forfeited to the state by operation of law, and the board may thereupon sell the same in the manner aforesaid. In case of the seizure of an automobile, truck, boat, airplane, conveyance, vehicle, or other means of transportation, pursuant to the provisions of this act, the officer making the seizure shall file a like inventory, and the person from whom the seizure was made, may, within thirty (30) days thereafter, commence an action in the district court of the county where the seizure was made, to determine the issue of forfeiture of such vehicle or other means of transportation; provided, however, that whenever the board is satisfied that any person from whom property is seized under the provisions of this act, was acting in good faith and without intent to evade the revenue provisions hereof, it shall release the property so seized without further legal proceedings.

Seizure of cigarettes, procedure in relation to.

Section 15. **Investigations.** The board and its duly authorized agents are empowered to conduct investigations,

Investigations.

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inquiries, and hearings hereunder, and any member thereof, or any agent, is authorized to administer oaths and take testimony under oath, relative to the matter of inquiry or investigation. The board, or its authorized agent, may subpoena witnesses and require the production of books, papers, and documents pertinent to such inquiry. The board, or its agent, after the hearing, shall make findings and an order, in writing, which findings and order shall be filed in the office of the board.

Hearing on application by person aggrieved.

Section 16. **Hearing — Re-hearing.** Any person aggrieved by any action of the board or its duly authorized agents, under the provisions of this act, may apply to the board, in writing, for a hearing or re-hearing thereon within thirty (30) days after such action of the board or its authorized agents. The board shall promptly consider such application, and may grant or deny the same. If the hearing be denied, the applicant shall be notified thereof, forthwith, and, if granted, the board shall notify the applicant of the time and place fixed for such hearing or re-hearing, which may be at its office or in the county of the applicant. After such hearing or re-hearing, the board may make any further or other order in the premises, as it may deem proper and lawful and shall furnish a copy thereof to the applicant. The board, on its own initiative, may order a hearing on any matter concerned with the administration of this act, upon at least ten (10) days notice in writing to the person or persons to be investigated.

Board may order hearing on its own initiative.

Appeals from decision of board, and procedure for.

Section 17. **Appeals From Decision of the Board.** Any person aggrieved by any action or decision of the board, made under the provisions of this act, may appeal therefrom to the district court of the county where appellant resides, which appeal shall be taken by notice of appeal in writing, setting forth the actions or decision of the board, of which the appellant is aggrieved. Such appeal shall be perfected within thirty (30) days after notice of any decision or action of the board, and shall be taken by serving a notice of appeal upon the board and filing the same with the clerk of said district court, together with a good and sufficient bond to the State of Montana. The condition of such bond shall be to the effect that appellant agrees to prosecute said appeal diligently, and if the court shall finally decide that the state is entitled to judgment, that appellant will pay the amount thereof

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together with costs upon such appeal. Such bond shall be further conditioned that appellant will comply with the orders and decrees of the court. The bond shall be in the form required by law and in such an amount as the court may require. The notice of appeal shall be signed by the appellant or his attorney, and the matter appealed shall be heard upon ten (10) days notice given by either party, unless a different time is specified by the court. Said district court may grant such relief as the law and the facts in the premises require.

Board to administer act.

Section 18. **The Board to Administer Act.** The board is charged with the duty of administering and enforcing the provisions of this act, and the board, its members and agents, are hereby given the powers of peace officers, and are authorized and empowered to arrest any person violating any provision of this act, and to enter complaint before any court of competent jurisdiction, and to seize without formal warrant or process and use as evidence, any forged, counterfeit, spurious, or altered license stamp or insignia found in the possession of any person or place.

Powers of board.

Rules and regulations.

Section 19. **Rules and Regulations.** The board shall have power and authority to prescribe all rules and regulations not inconsistent with the provisions of this act, for the detailed and efficient administration thereof.

County attorney and other officers to assist.

Section 20. **County Attorney and Other Officers to Assist.** In the enforcement of this act, the board may call to its assistance, and it shall be the duty of any county attorney, or any peace officer, in this state, to assist the board in its enforcement of this act; and the board is hereby authorized to appoint such additional assistants as may be required to carry out the provisions of this act.

Clerical and field assistants.

Section 21. **Clerical and Field Assistants.** The board is hereby authorized to employ such clerical and field assistants as may be necessary to properly administer the provisions of this act. All money collected under the provisions of this act, less the expenses incurred, in the administration thereof, shall be paid to the state treasurer, and deposited in the general fund of the state.

Misdemeanors.

Section 22. **Misdemeanors.** Unless hereinbefore expressly otherwise provided, the violation of any provision of this act shall constitute a misdemeanor, and any per-

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Penalties.

son violating any such provision shall be punished by a fine of not less than one hundred dollars ($100.00), or more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days or more than six (6) months, or by both such fine and imprisonment; and if such person is the holder of a license issued under this act, such license shall be revoked by the board, and such person shall not be eligible for another such license within one (1) year thereafter.

Saving clause.

Section 23. **Saving Clause.** If any section, sub-section, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

Repealing clause.

Section 24. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1947.

CHAPTER 290

An Act to Provide For a Montana Quality Label, Using the Outline Map of the State of Montana; Providing For Its Use, and Restrictions Against Improper Use; Providing For Collection and Appropriation of Fees and Levying of Penalty For Violation of This Act; Describing the Use of the Word "Montana" On Labels; Courts That Shall Have Jurisdiction, and Authorizing Commissioner of Agriculture to Prosecute; Describing the Word "Person", and Phrase "Continuous Official Inspection".

Be it enacted by the Legislative Assembly of the State of Montana:

Use and significance of map and word "Montana" on labels.

Section 1. (a) The commissioner of agriculture is hereby authorized to make use of an outline map of the State of Montana and the word "Montana", printed, lithographed, inscribed, engraved or otherwise impressed upon the labels, tags, seals or containers of any agricultural or food product, by any person who has availed himself of the continuous official inspection service offered by the department of agriculture, as an indication that such product has been inspected by the officers, agents or licensed inspectors of the said department and that the said products are of such quality and description as is

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indicated on such label, tag, seal or container, in the manner hereinafter prescribed. The said outline map with the word Montana when made use of pursuant to the provisions of this act shall be known as the "Montana Quality Label". (b) In any instance when an authorized department, agent or officer of the United States collaborates with the department of agriculture of this state in the inspection of any such product, the Montana Quality Label may, with the consent of the appropriate department, agency or officer of the United States be superimposed upon an outline map of the United States on any such label, tag, seal or container, this indicating inspectional collaboration between the said division and such department, agency or officer of the United States.

Use of Montana quality label superimposed on map of the U. S., when permissible.

Section 2. The Montana Quality Label shall not be used except in accordance with the rules and regulations prescribed therefore by the commissioner, and in no case shall it be used upon the label, tag, seal or container, or the product of any farm, factory, mill or any other producing, processing, packing, preparing or dressing establishment unless such product is produced, processed, packed, prepared or dressed under continuous official inspection.

Limitations on use of Montana quality label.

Section 3. (a) The commissioner may cause to be made, printed, or otherwise prepared, from time to time, such quantity of labels, tags, and seals with the Montana Quality Label printed, lithographed, inscribed, engraved or impressed thereon as will be sufficient to supply the demand therefor; and he may furnish such labels, tags, and seals at reasonable prices to any producer, processor, packer or dresser who has availed himself of the said continuous official inspection service. Nothing in this act, however, shall be construed to preclude the commissioner from permitting, under the rules and regulations by him prescribed, any such producer, processor, packer or dresser to make or prepare, or to cause to be made or prepared, the labels, tags, or seals to be used upon his own product, or to print, stamp or otherwise place or cause to be placed the Montana Quality Label, upon such products or containers thereof which have been subject to continuous inspection; provided that in any case such labels, tags, seals, stamps or other devices shall be of such design as the commissioner, may from time to time determine. (b) The commissioner is further authorized, in co-operation

Commissioner of agriculture to procure and furnish labels to persons entitled to use them.

Person entitled to use such labels may provide and prepare them.

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Dissemination of information relating to Montana quality label.

with the United States Department of Agriculture and/or otherwise, to make use of any available and appropriate means to disseminate information concerning the Montana Quality Label and the products which may lawfully bear it, and to popularize the use thereof. (c) All moneys derived from the furnishing of said labels, tags, and seals, or from permitting the use in any other manner of the Montana Quality Label shall constitute a fund to defray the cost of preparing and furnishing such labels, tags, and seals and the cost of such dissemination and popularization.

Money derived from furnishing label, disposition of.

Wrongful use with intent to deceive declared unlawful.

Section 4. (a) Any person who shall use the Montana Quality Label in violation of any provision of this act, or who shall, with the intent to mislead or deceive, use any imitation, counterfeit or likeness thereof on the label, tag, seal, container, sign or otherwise of any product of any kind or description, which is sold or offered for sale, or who shall use the Montana Quality Label or, with like intent to mislead or deceive, use any imitation, counterfeit likeness thereof upon or in connection with any offer to sell or advertisement for the sale, or use of any product of any kind or description which does not in fact lawfully bear the Montana Quality Label, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten ($10.00) dollars nor more than five hundred ($500.00) dollars. (b) Provided further that the word Montana shall not be used on any brand or label not of No. 1 quality or its equivalent or better. (c) Any court of record having general chancery jurisdiction in this state shall have jurisdiction to enjoin the use of the Montana Quality Label or any imitation, counterfeit or likeness thereof used in violation of this act. (d) The commissioner of agriculture may cause prosecutions for violations of this act, as well as the injunction proceedings provided for in this section, to be instituted through the respective attorneys for the state of the several counties and cities, or otherwise in his discretion.

Penalty.

Injunction.

Prosecutions, may cause to be instituted.

"Person" defined.

"Agricultural and food product."

"Continuous official inspection."

Section 5. For the purpose of this act the word "person" shall include any individual, partnership, association, union or corporation. "Agricultural and food product" shall include any horticultural, viticultural, dairy, livestock, poultry, bee, other farm or garden product, fish or fishery product, and other foods. "Continuous official inspection" shall mean that an employee or a

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licensed representative of the department of agriculture, or United States department of agriculture shall regularly and continuously examine the commodity as it is being packed so as to have knowledge of the quality that goes into each package.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1947.

CHAPTER 291

An Act to Amend Sections 836.1, 836.3, 836.4, 836.5 and 836.6 of the Revised Codes of Montana, 1935, Relating to the Erection, Control, Management and Operation of Residence Halls At State Educational Institutions Comprising the Six Units of the University of Montana, By Providing the State Board of Education May Erect, Equip, Improve, Control, Manage and Operate Other Facilities In Addition to Residence Halls At Said Institutions, Defining "Facilities", Authorizing the Financing Thereof By the State Board of Education Out of Income, Providing When the Act Shall Take Effect and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 836.1 R. C. M. amended.

Section 1. Section 836.1, Revised Codes of Montana, 1935, is hereby amended to read as follows:

"Section 836.1. **Erection of Residence Halls** *and Other Facilities* **at Institutions Controlled by State Board of Education.** The state board of education is authorized to:

State board of education authority to:

Erect, equip and improve residence halls and other facilities.

"(a) Erect, *equip and improve* from time to time at any of the *six units of the University of Montana* under its control such residence halls *and other facilities* as may be required for the good of the institutions.

Rent rooms.

"(b) Rent the rooms in such residence halls and provide board *and other services* to the students, officers, guests, and employees of said institutions at such rates as will insure a reasonable excess of income over operating expenses.

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Funds derived, disposition of.

"(c) Hold the funds derived from the operation of such residence halls *and other facilities* and spend the same for repairs, replacements and betterments including the erection of additional residence halls *and other facilities.*

Management of residence halls.

"(d) Exercise full control and complete management of such residence halls *and other facilities.*

"Facilities" defined.

"(e) *As used herein 'facilities' shall mean all dormitories, residence halls, dining rooms, refectories, health service buildings, student unions, at any of the six units comprising the University of Montana under the control of the state board of education.*"

Sec. 836.3 R. C. M. amended.

Section 2. Section 836.3, Revised Codes of Montana, 1935, is hereby amended to read as follows:

Provisions for carrying out powers.

"836.3. **Provisions for Carrying Out Powers.** In carrying out the above powers, said board may:

Borrow money.

"(a) Borrow money *and issue negotiable bonds payable from income as herein provided in order to provide money to erect, equip and improve facilities or to refund bonds issued for such purposes.*

Pledge rents and income.

"(b) Pledge the rents and income received from the residence halls *and other facilities* for the discharge of loans so executed."

Sec. 836.4 R. C. M. amended.

Section 3. Section 836.4, Revised Codes of Montana, 1935, is hereby amended to read as follows:

"836.4. **State Not to Become Obligated for Payments.** State not to become obligated for payments. No obligation created hereunder shall ever be or become a charge against the State of Montana but all such obligations, including principal and interest, shall be payable solely:

Sources from which payments to be made.

"(a) From the net rents and income pledged;

Rents and income.

"(b) From the net rents and income which has not been pledged for other purposes arising from any other residence halls or *other facilities at said institutions;* or

Gifts and bequests.

"(c) From the income derived from gifts and bequests made to the institutions for residence hall purposes *or purposes of other facilities and including student union building fees, arising from such a facility, until such time as all bonds for the construction thereof are retired.*"

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Sec. 836.5 R. C. M. amended.

Section 4. Section 836.5, Revised Codes of Montana, 1935, is hereby amended to read as follows:

"836.5. **Use of Rents and Income Relating to Institution. Where Derived.** In discharging obligations under the preceding sections the residence halls *and other facilities* at each of said institutions shall be considered as a unit and the rents and *other* income available for residence hall purposes *and other facilities* at one instutition shall not be used to discharge obligations created for residence halls *or other facilities* at another institution."

Use of rents and income relating to one institution not to be used to discharge obligations of another.

Sec. 836.6 R. C. M. amended.

Section 5. Section 836.6, Revised Codes of Montana, 1935, is hereby amended to read as follows:

"836.6. **State Funds Not to Be Used.** No state funds shall be loaned or used for this purpose. This shall not apply to funds derived from the net rents and income of residence halls *or other facilities* now or hereafter owned by the State of Montana.

State funds not to be used.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1947.

CHAPTER 292

An Act Empowering Counties, Cities, and Towns to Combine For the Purpose of Creating and Establishing a Metropolitan Sanitary District; Providing Who May Organize Such District and In What Cases, and the Method Thereof; Defining Duties of the District Court; Making Regulations For the Appointment, Number, Status, Powers, Duties, Organization and Time and Place of Meeting of Commissioners, and For Vacancies and For Compensation of Commissioners; Providing For Submission of Questions to and Qualification of Electors; Providing For Issuance of Bonds For Construction and Acquisition of Property and Levy and Collection of Taxes For Administration of District and For Construction of Drainage Structures.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Petition for Creation of Sanitary District, Contents and Filing.** Whenever the inhabitants of any county, city or town, or a combination of county and one or more cities or towns within such county desire to combine for the purpose of organizing a metropolitan sanitary district to serve such county, city or town, or both, such inhabitants may file a petition in the district court of the county wherein such district is to be organized, signed by five (5%) per cent of the registered electors of each such county, city or town, whose names appear upon the last preceding assessment roll of such county for state and county purposes and upon the last preceding assessment roll of such city or town, upon real property lying or being within the boundaries of such county, city or town. Said petition shall be addressed to the said district court and shall set forth:

Petition for creation of sanitary districts.

Filing of petition.

Contents

1. The proposed name of said sanitary district.

2. The necessity for the proposed district.

3. A general description of the territory or lands to be included within said district, giving the boundaries thereof.

4. A prayer for the organization of the district comprising and embracing the lands and territory described, and for a hearing on said petition according to the provisions of this act.

Map of district.

The petition shall be accompanied by a map or plat of the proposed district, but mere error or omission in the description of any lands or boundaries, or in the map accompanying the petition shall not render invalid any proceedings under this act, or deprive the district court of jurisdiction. The petition shall also be accompanied by the certificate of the county clerk, showing that said petition contains the names of the required number of qualified electors as herein provided.

Certificate of county clerk.

Section 2. **Order Fixing Time of Hearing—Notice of Hearing Contents Thereof.** On such petition being filed, the district court or judge thereof shall make an order fixing the time and place of hearing on petition and directing that notice thereof be given. Thereupon the clerk of said court shall cause to be published at least once a week for two successive calendar weeks in some newspaper

Order fixing time of hearing.

Notice and publication thereof.

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published in the county, such notice, which notice shall state the time and place, by the said district court fixed, when and where the hearing on said petition will be had, together with the description of the lands or territory of the proposed district and the purpose as stated in the prayer of said petition, and directing all persons interested to appear and be heard for or against the organization of said sanitary district. If there be no newspaper published in such county, said notice may be published in an adjoining county. The first publication of said notice shall be not less than thirty (30) days prior to the time mentioned in said notice for said hearing. Contents of notice.

Section 3. **Hearing on Petition.** At the time specified in the notice mentioned in the preceding section, the district court in which the petition is filed, or a judge thereof, shall hear the petition, but may adjourn such hearing from time to time, not exceeding three (3) weeks in all, and may continue the hearing for want of sufficient notice or other good cause. The court, upon application of the petitioners, or any person or persons interested, may permit the petition to be amended, and may order further or additional notice to be given. Upon such hearing all persons interested, whose property or rights may be damaged or benefited by the organization of the district, or the property, works or improvements therein to be acquired or constructed as hereinafter set forth, may appear and contest the necessity or utility of the proposed district, or any part thereof, and the contestants and petitioners may offer any competent evidence in regard thereto. Hearing on petition. Amendment of petition. Contestants

It shall be the duty of the court to hear and determine whether the requirements of Sections 1 and 2 of the act, as to sufficiency of the petition and notice and requisite number of names on said petition have been complied with. The court may make such changes in the proposed district as may be deemed advisable, or as fact, right and justice may require. Duty of court.

If on final hearing, it is found by the court that the petition does not substantially comply with the aforesaid requirements of this act, or that the facts therein are not sustained by the evidence, or that said proposed district is not practical or feasible then the court shall dismiss the petition, and shall make and enter an order to that effect; but if it is found that said petition substantially complies Dismissal of petition.

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Order of court upon approval of petition.

with said requirements, and that the facts therein stated are sustained by the evidence and that there exists a necessity for said district, and that the same is feasible and practical and for the benefit, health and welfare of the inhabitants residing within the proposed district, then the court shall make and enter an order:

Contents of such order.

(a) Setting forth said findings and allowing said petition;

(b) Giving accurate description and boundaries of said proposed district;

Establishment of district, submission of question to electors.

(c) Directing that the question of establishing said district be submitted to the qualified electors of the county, city or town as hereinafter provided, at the next general election held in the county at which county officers are to be elected, if said proposed district embraces only property outside the boundaries of any incorporated city or town, or property within any incorporated city or town and said county; and if said proposed district embraces only property within an incorporated city or town, then said question shall be ordered submitted at the next general election in such city or town at which city or town officers are to be elected.

Section 4. **Submission of Question for Election—Duties of Clerk of County, City or Town.** At the next general election immediately after the entry of the order mentioned in Section 3 of this act, the county clerk or the city or town clerk as the case may be, in accordance with the provisions of Section 3 of this act, shall submit the question of establishing said district in the manner provided by law for the submission of questions relating to issuance of bonds of the county and all of such provisions shall be applicable hereto and shall be complied with.

Duties of clerk of county, city or town.

Ballot, form of.

The question to be submitted at such election shall be placed on the ballot in substantially the following form:

"Shall there be established in .....
Name of county,
or city, or town

(or in .....)
Name of county and city or town

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the Metropolitan Sanitary District to be known as the .....
Name of District as appears in the petition in accordance with the law applicable thereto.

☐ For the establishment of the .....
Name of District

☐ Against the establishment of the ....."
Name of District

All the provisions of law relating to elections and canvassing of votes shall apply to the election provided in this act.

Minimum of qualified electors to be cast.

At said election not less than forty (40) per centum of the qualified electors entitled to vote on such question at such election must vote thereon, otherwise such question shall be deemed to have been rejected; provided, however, that if forty (40) per centum or more of such qualified electors do vote on such question at such election and a majority of such votes shall be cast in favor of such proposition, then such proposition shall be deemed to have been approved and adopted.

Majority of votes cast for proposition sufficient.

Certificate by county commissioners.

If the vote as canvassed shall show that such proposition has been approved and adopted, the county commissioners shall so certify to the district court.

Order establishing district.

Section 5. **Order Establishing District, Contents, Filing.** Upon certification of the county commissioners as in Section 4 of this act provided, the district court shall within thirty (30) days thereafter make an order establishing said district, which order shall contain the description and boundaries of said district. Said order shall be filed in the office of the clerk of said district court, and a certified copy thereof in the office of the county clerk of the county wherein is located said district court, and in case a city or town is included within said district, a certified copy of such order shall be filed in the office of said city or town clerk.

Contents.

Filing.

Appointment of commissioners.

Section 6. **Appointment of Commissioners—Term of Office—Vacancy.** Within thirty (30) days after the entry of the order as mentioned in Section 5 of this act, the district court or judge thereof shall appoint three commissioners for said district, each of whom shall be a qualified elector and freeholder and shall have resided in

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the county, city or town for at least two (2) years immediately before such appointment, provided that in case said district shall embrace a county and one city or town, two (2) of such commissioners shall be appointed from such county and one (1) from such city or town, provided, further that in case said district shall include a county and not more than two (2) cities or two (2) towns, or one city and one town, one of such commissioners shall be appointed from each such county, city and town.

Terms of office.

The commissioners shall be appointed by the district court or a judge thereof for terms of three (3) years, provided that the first commissioner named shall be appointed for a term of one (1) year, the second for a term of two (2) years and the third for a term of three (3) years. At the expiration of the first year, all new appointments shall be for terms of three (3) years. Appointments to fill vacancies in the membership of the board of commissioners shall be made by the district court for the remaining portion of such term.

Term of new appointees.

Section 7. Organization of District—Election of Officers—Duties and Powers of Commission—Meetings—Compensation. Within thirty (30) days after their appointment, the commissioners shall meet and organize by electing one of their members as chairman, one as vice-chairman and one as secretary.

Organization of district.

The commission shall hold at least one (1) regular meeting each month, and at such other times as deemed necessary for the proper and efficient conduct of the business of the commission, but not to exceed three (3) days in any one (1) month.

Meetings.

The members of the commission shall receive as compensation for their services the sum of fifteen ($15.00), dollars for each meeting attended, which compensation shall be paid from funds made available for such purpose as hereinafter provided.

Compensation.

Section 8. **Powers and Duties of the Commission.** The commission shall have the following powers and duties:

Powers and duties of commission.

1. To engage the services and fix the compensation and hours of work of such assistants, agents, engineers, and such other employees as deemed necessary for the proper and efficient conduct of the business and purposes of the commission, and the maintenance and operation of such

To engage assistants and other employees.

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drainage structures and sewage treating plants as are constructed.

To acquire office space and equipment.

2. To purchase, lease, rent or otherwise acquire proper and necessary office space, equipment and supplies necessary to carry on the business of the commission, including equipment for field workers and to cause surveys to be made and maps to be drawn.

To contract for building and improvement of sanitary structures.

3. To contract for the building, erection, altering and improvement of sanitary structures, such as sewers, pumping stations, aqueducts, channels, drainage courses and sewage treatment plants, provided, however, that all laws pertaining to the letting of contracts by the board of county commissioners shall apply and be complied with.

To call elections for issuance of bonds, and to issue bonds.

4. To call elections for the issuance of bonds, and to issue bonds if authorized by the electors, for the financing of sanitary structures hereinbefore mentioned, and to provide for the payment thereof, provided, however, that all laws pertaining to the calling and holding of elections, issuance of bonds and payment thereof in counties shall apply and be complied with, the cost and expenses of which shall be paid from the funds of the district.

To prepare and file annual budgets.

5. Annually and at the time and in the manner provided by law for the preparation and submission of county budgets, the board of commissioners of the district shall prepare and file with the board of county commissioners a budget detailing the necessary anticipated expenditures for administration of the district. Such budget shall comply with all the provisions of the county budget act, and such county budget act shall apply to the commission and shall be complied with.

To furnish plans and specifications to state board of health.

6. To furnish to the state board of health plans and specifications as are now required of towns, cities and corporations, showing proposed enlargements, extensions and/or new construction of all drainage and sewage treating plants, and shall not proceed to enlarge, extend or build any such structures and/or treating plants until such plans and specifications have been officially approved by said state board of health.

To make necessary arrangements for rights of way.

7. To make all necessary arrangements and agreements with the board of county commissioners of the county and with the city or town council, or city or town councils, if more than one municipality lies within the area embraced

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within the district, regarding rights of way, opening of streets and alleys and other thoroughfares and public areas, control of traffic and other conditions in order to operate, maintain, and/or construct the necessary sewers, pumping stations, drainage courses, sewage treating plants and other structures.

Levy and collection of taxes.

Section 9. **Levy and Collection of Taxes.** At the same time and in the same manner as now provided by law for the levy and collection of taxes in the county, the county commissioners shall make a levy, on all property situated within the boundaries of said district and served or benefited by said district sufficient to meet the requirements of the budget as submitted and approved, and the county treasurer shall collect such tax at the time and in the manner other taxes are collected in the county.

Disposition of taxes collected—special fund.

Taxes so levied and collected shall be deposited with the county treasurer and placed in a special fund to be designated "..... Metropolitan Sanitary
Name of District
District Administration Fund". Such fund shall be expended only by warrants drawn on such special fund, signed by the chairman of the commission and countersigned by the secretary.

Duty of county treasurer.

The county treasurer shall be the treasurer of said district and shall keep account of the funds of the district, and render to the commission a report of the condition of such funds whenever requested by said commission.

District a public corporation, powers of.

Section 10. **District a Public Corporation—Powers.** The sanitary district created under this act is hereby declared to be a public corporation and shall have power to acquire real and personal property or any interest therein by grant, purchase or gift, and shall have the right of condemnation and of eminent domain, and to receive grants-in-aid, or other funds from the federal government and to act as the sole agent of the federal government in the use and disbursement of such funds.

Jurisdiction.

Section 11. **Jurisdiction.** Every sanitary drainage district established under the provisions of this act shall have sole and complete jurisdiction over all drainage structures and sewage treating plants which are now or may be hereafter built and situated within said district. The commission shall be responsible for the proper functioning

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and maintenance thereof, and for the condition and maintenance of all publicly owned streets, alleys, land, parks, or other thoroughfares within the boundaries of such district insofar as such may be affected by the construction and/or maintenance of the structures under the control and jurisdiction of such district.

Repealing clause.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1947.

CHAPTER 293

An Act Providing For Minimum Compensation For Members of Paid Fire Departments of Cities of the First or Second Class, and Providing For the Repeal of Acts Insofar As They Are In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Wage of members of fire department in cities of second class.

Section 1. From and after July 1, 1947, there shall be paid to each member of the fire department of cities or towns of the first or second class of the State of Montana a minimum wage for a daily service of eight (8) consecutive hours work of at least two hundred and no/100 dollars ($200.00) per month together with the sum of one dollar ($1.00) per month additional per year for each year not exceeding ten years that such member shall have served hereafter on such fire department of such city or town.

Laws specified repealed.

Section 2. The provisions of Chapter 15 and Chapter 200 of the Session Laws of the twenty-fifth legislative assembly of the State of Montana, and of Chapter 136 of the Session Laws of the twenty-sixth legislative assembly, insofar as said provisions are in conflict with the provisions of this act, and to that extent only, are hereby repealed.

General repealing clause.

Section 3. All other acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17, 1947.

CHAPTER 294

An Act to Amend Section 5108.16, Revised Codes of Montana, 1935, As Amended By Chapter 96 of the Laws of

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the Twenty-sixth Legislative Assembly of the State of Montana, 1939, Providing a Minimum Wage to Be Paid Police Officers In Cities of the First and Second Class; Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 5108.16 R. C. M. as amended further amended.

Section 1. That Section 5108.16, Revised Codes of Montana, 1935, as amended by Chapter 96 of the Laws of the twenty-sixth legislative assembly of the State of Montana, 1939, be and the same is hereby amended to read as follows:

"Section 5108.16. **Minimum Wage of Police in First *and Second* Class Cities.** That from and after the passage and approval of this act there shall be paid to each member of the police department of cities of the first *and second* class of the State of Montana, a minimum wage, for a daily service of eight (8) consecutive hours' work, of at least *two hundred ($200.00) dollars* per month for the first year of service, and thereafter of at least *two hundred ($200.00) dollars* per month plus one ($1.00) dollar per month for each additional year of service up to and including the tenth year of such additional service."

Minimum wage of police in first and second class cities.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 17, 1947.

CHAPTER 295

An Act Authorizing the Consolidation or Merger of Montana Corporations Engaged In Production, Marketing or Refining of Oil, Gas or Other Petroleum Products, or Otherwise Engaged In the Oil, Gas or Other Petroleum Products Business With Other Corporations Engaged In the Same or Similar Line of Business.

Be it enacted by the Legislative Assembly of the State of Montana:

Merger of corporations engaged in the production, marketing or refining oil, gas or other petroleum products.

Section 1. **Oil, Gas and Other Petroleum Products Corporations May Merger or Consolidate—Agreement for Merger or Consolidation.** Any one or more corporations engaged in the production, marketing, or refining of oil, gas or other petroleum products or otherwise engaged in

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the oil, gas or petroleum products business organized under the provisions of the law of this state, or existing thereunder, may consolidate or merge with one (1) or more other like corporations organized under the laws of this or of any other state or states or territory of the United States of America if the laws under which said other corporation or corporations are formed shall permit such consolidation or merger.

The constituent corporations may merge into a single corporation which may be any one of said constituent corporations, or they may consolidate to form a new corporation which may be a corporation of the state of incorporation of any one of said constituent corporations or shall be specified in the agreement hereinafter required. All the constituent corporations shall enter into an agreement in writing which shall prescribe the terms and conditions of the consolidation or merger, the mode of carrying the same into effect, the manner of converting the shares of each of said constituent corporations into shares of the corporation resulting from or surviving such consolidation or merger and such details and provisions as shall be deemed necessary or proper. In case of consolidation to form a new corporation there shall also be set forth in said agreement such other facts as shall then be required to be set forth in certificates of incorporation by the laws that shall govern said resulting corporation and that can be stated in the case of a consolidation.

Agreement to prescribe terms and conditions of consolidation as merger.

Other facts to be set forth in agreement.

Said agreement shall be authorized, adopted, approved, signed and acknowledged by each of said constituent corporations in accordance with the laws under which it is formed and in the case of a Montana corporation in the manner provided in Section 2 hereof. The agreement so authorized, adopted, approved, signed and acknowledged shall be filed in the office of the secretary of state and a copy of such agreement certified by the secretary of state under the great seal of the State of Montana, shall be filed but need not be recorded in the office of the county clerk of the county in this state wherein such resulting or surviving corporation maintains its principal place of business, if any, and also, in each other county in this state in which such corporation may own real estate, provided, however, that a failure to file such certified copy in the office of any county clerk of any county in this state shall not affect the validity of said merger or con-

Filing of agreement.

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solidation. Said agreement so filed in the office of the secretary of state shall thenceforth be taken and deemed to be the agreement and act of consolidation or merger of said constituent corporations for all purposes of the laws of this state and said consolidation or merger shall take effect as of the date of the filing of said agreement with the secretary of state who shall, at the time of such filing, receive a fee of five dollars ($5.00) therefor. A copy of such agreement certified to be such by the secretary of state under the great seal of the State of Montana, shall be evidence of such merger or consolidation and of the contents of said agreement.

Fee for filing.

Section 2. **Meeting of Stockholders to Be Called and Agreement Submitted—Vote Necessary for Adoption—Signing Adopted Agreement.** In the case of a Montana corporation, the proposed agreement of consolidation or merger shall be signed by the trustees or directors or majority of them, or by the stockholders representing a majority of the stock of such corporation under the corporate seal, and such proposed agreement shall be submitted to the stockholders at a meeting thereof called by its trustees or directors or by the stockholders representing a majority of the stock by giving public notice of the time and place of holding such meeting and stating that said meeting is called to consider consolidation or merger with one or more other named corporations by publishing the same at least once not more than thirty (30) nor less than ten (10) days prior to the date fixed for said meeting, in a newspaper printed in the county where the principal office of such corporation is located as specified in its articles of incorporation or by-laws, or if there be no such newspaper, then in a newspaper printed in an adjoining county, and by delivering personally to each stockholder, or depositing in the post office at least thirty (30) days before such meeting a copy of said notice addressed to each stockholder, signed by the president or secretary, or having the name of the president or secretary printed thereon stating the time, place and objects of said meeting, provided, however, a waiver of such notice in writing, signed by a stockholder, whether before, at or after the date of such meeting, shall be deemed equivalent to such notice and, in case all of the stockholders of any corporation entering into such agreement shall sign such waivers, no notice of such meeting of stockholders of such corporation need be given in any manner.

Meeting of stockholders to be called and agreement submitted.

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Each Montana corporation desiring so to consolidate or merge shall vote upon the proposition embodied in said agreement, which shall be presented at said meeting. If at least two-thirds (2/3) of the stock of each Montana corporation severally shall vote in favor of the adoption of said agreement in writing, the fact shall be certified on said agreement by the secretary of each such corporation under the seal thereof, and the agreement so adopted and certified shall be signed by the president and secretary of each such corporation under the corporate seal thereof and acknowledged by the president of each corporation before any officer authorized by the laws of this state to take acknowledgments of deeds to be the respective act, deed and agreement of each of said corporations.

Two-thirds of stock required for adoption of agreement.

Section 3. **Service of Process on Resulting Corporation.** If the corporation resulting or surviving such consolidation or merger is to be governed by the laws of any state other than the laws of this state, it shall agree that it may be served with process in this state in any proceeding for enforcement of any obligation of any constituent corporation of this state, including an amount fixed by appraisers pursuant to Section 5 hereof, and shall irrevocably appoint the secretary of state as its agent to accept service of process in any action for the enforcement of payment of any such obligation, or any amount fixed by appraisers as aforesaid, and shall specify the address to which a copy of such process shall be mailed by the secretary of state. Service of such process shall be made by personally delivering to and leaving with the secretary of state duplicate copies of such process. The secretary of state shall forthwith send by registered mail one (1) of such copies to such resulting or surviving corporation at its address so specified, unless such resulting or surviving corporation shall thereafter have designated in writing to the secretary of state a different address for such purpose, in which case it shall be mailed to the last address so designated. Said agreement shall be in writing, shall be filed with the secretary of state at the time of filing the agreement mentioned in the preceding sections of this act and whenever the agreement provided for in this Section 3, when required thereby, shall not be so filed, the secretary of state shall refuse to accept the agreement mentioned in Sections 1 and 2 of this act. For filing the agreement required by this Section 3 the secretary of state shall receive a fee of five dollars ($5.00).

Service of process on resulting corporation.

Agreement relating to service of process to be filed.

Fee.

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When constituent corporations cease.

Section 4. **When Constituent Corporations Cease — Property Rights, Liabilities, Etc., Vest in Surviving Corporation.** When an agreement shall have been signed, acknowledged and filed in the office of the secretary of state as in Sections 1 and 2 of this act is required, for all purposes of the laws of this state the separate existence of all the constituent corporations, parties to said agreement, or all of such constituent corporations except the one into which the other of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, in accordance with the provisions of said agreement, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so consolidated or merged, and all and singular, the rights, privileges, power and franchises of each of said corporations, and all property, real, personal and mixed, and all debts due to any of said constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation resulting from or surviving such consolidation or merger; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the several and respective constituent corporations, and the title to any real estate, whether vested by deed or otherwise, under the laws of this state, vested in any of such constituent corporations, shall not revert or be in any way impaired by reason of this statute; provided, however, that all rights of creditors and all liens upon any property of any of said constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to said resulting or surviving corporation, and may be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it.

Property rights.

Rights of creditors.

Rights of objecting stockholders.

Section 5. **Rights of Objecting Stockholders—Notice of Merger.** If any stockholder in any corporation of this state consolidating or merging as aforesaid, who objected thereto in writing, shall within twenty (20) days after the date on which the agreement of consolidation or merger has been filed in the office of the secretary of state,

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as aforesaid, demand in writing from the corporation resulting from or surviving such consolidation or merger payment of his stock, such resulting or surviving corporation shall, within three (3) months thereafter, pay to him the value of his stock as of the effective date of said consolidation or merger, exclusive of any element of value arising from the expectation or accomplishment of such consolidation or merger, but in no event less than the amount paid by such stockholder for his stock. Notice of the effective date of such merger shall be mailed by ordinary mail to each stockholder of any corporation so merged within five (5) days after said effective merger date. If within thirty (30) days after the date of such written demand the corporation and such stockholder fail to come to an agreement as to such value of such stock, each stockholder may demand an appraisal of his stock by three (3) disinterested persons, one (1) of whom shall be designated by the stockholder, one (1) by the directors of the resulting or surviving corporation and the other by the two (2) designated as aforesaid and such stockholder may serve written notice on such corporation designating therein one appraiser and requiring the corporation to designate a second appraiser within thirty (30) days from the date of service of such notice. If within thirty (30) days from the date of service of such notice the corporation shall have failed to designate a second appraiser or if the two (2) appraisers first designated shall fail to designate a third appraiser within thirty (30) days from the designation of the second appraiser, such stockholder may apply to the district court of the district in which the principal place of business of said corporation is located to designate a second and third appraiser, or a third appraiser, as the case may be. The decision of the appraisers as to such value of such stock shall be final and binding upon the corporation if the value so determined equals or exceeds the amount paid by such stockholder for such stock. In case the value of such stock as so fixed by the appraisers, or the amount paid for such stock by such stockholder, whichever is the greater amount, is not paid to such stockholder within sixty (60) days from the date of such decision and of notice thereof given to the corporation, such amount may be collected as other debts are by law collectible from the resulting or surviving corporation. Upon receipt of payment in full for such stock, such stockholder shall transfer

Notice of merger to be mailed to stockholders.

Appraisal of stock of objecting stockholder.

Decision of appraisers declared final and binding.

Payment, time limited for.

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his stock to said resulting or surviving corporation, to be disposed of by the directors thereof, or to be retained for the benefit of the remaining stockholders.

Actions pending not affected.

Section 6. **Actions Pending Not Affected.** Any action or proceeding pending by or against any of the corporations consolidated or merged may be prosecuted to judgment, as if such consolidation or merger had not taken place or the corporation resulting from or surviving such consolidation or merger may be substituted in its place.

Prior mergers and consolidations validated.

Section 7. **Prior Mergers and Consolidations Validated.** All mergers and consolidations and attempted mergers and consolidations in the accomplishment of which the provisions of this act have been substantially followed, are hereby validated and confirmed.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 18, 1947.

CHAPTER 296

An Act to Amend Section 1760.7, Revised Codes of Montana, 1935, As Amended By Chapter 93, Laws of the Twenty-sixth Legislative Assembly of Montana, 1939, Relating to the Registration of Foreign Licensed Motor Vehicles and Authorizing the Registrar of Motor Vehicles to Enter Into Reciprocal Agreements to Provide That Foreign Registered and Licensed Motor Vehicles, Trailers and Semi-trailers May Be Operated On the Highways of Montana Without the Necessity of Registration or Licensing In the State When Such Privilege Is Extended to, or Reciprocity Allowed, to Motor Vehicles, Trailers or Semi-Trailers of This State By the Laws of Such Country, State or Territory; and Providing Safeguards Against Evasion of This Act When Reciprocal Agreements Are Consummated According to the Terms Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 1760.7 R. C. M. as amended further amended.

Section 1. Section 1760.7 Revised Codes of Montana, 1935, as amended by Chapter 93, Laws of the twenty-sixth legislative assembly of Montana, 1939, shall be, and the same is hereby amended to read as follows:

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"Section 1760.7. **Foreign Vehicles Used in Gainful Occupation—Registrar of Motor Vehicles May Make Reciprocal Agreements to Exempt.** Before any foreign licensed motor vehicle shall be operated on the highways of this state for *hire,* compensation or profit, or *before* the owner thereof *uses* the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, *the owner of such vehicle shall make application to a county treasurer for registration, upon an application form furnished by the registrar of motor vehicles. Upon satisfactory evidence of ownership submitted to such county treasurer, the treasurer shall accept the application for registration and shall collect the regular license fee required for the vehicle. The treasurer shall thereupon forward to the registrar of motor vehicles such application form. The treasurer shall at the same time issue to the applicant the proper license plates or other identification markers,* which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license. *Upon receipt of the application for registration, the registrar of motor vehicles shall issue to the owner of the vehicle a registration receipt. This registration receipt shall not constitute evidence of ownership, but shall only be used for registration purposes. No Montana certificate of title shall be issued for this type of registration,* providing, however, that the registrar of motor vehicles is authorized and empowered to enter into reciprocal agreements with any country, state or territory, exempting from registration and licensing in Montana *the foreign licensed* motor vehicle, trailer or semi-trailer of a resident of such country, state or territory when *lawfully* registered and licensed therein, when the laws of such country, state or territory extend the same privilege to, or authorize like reciprocal agreements with respect to motor vehicles, trailers and semi-trailers registered and licensed in the State of Montana and operated by a resident of this state upon the highways of such country, state or territory; *provided, however, that this act shall not be construed to permit any owner of a motor vehicle who is a resident of the State of Montana, or any owner or operator of a motor vehicle whose motor vehicle operations are carried on principally within the State of Montana, registering and licensing such vehicle in any such country, or state or territory, and operating said foreign regis-*

Foreign vehicles used in this state for profit must first be registered.

License plates.

No Montana certificate of title to be issued.

Reciprocal agreements with other country or state.

Montana resident or other owner of vehicle operating principally in Montana not permitted to operate in Montana under foreign license.

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tered and licensed vehicle on the highways of Montana bearing such foreign license, under the terms of any such agreement. If any Montana resident owner, or operator of any motor vehicle, as above stated, shall attempt or accomplish such prohibited registration or licensing, he shall be guilty of a misdemeanor, and upon conviction thereof any motor vehicles by him owned shall not thereafter be registered or licensed by the registrar of motor vehicles of the State of Montana, and any operations with said vehicles over the highways of this state shall be enjoined upon complaint of any county attorney of any county of this state."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 3. That this act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 297

An Act to Amend Subsection (f) of Section 2, to Define "State Employee" to Include Employees Under Direct or Functional State Supervision Whose Salaries Are Paid Fully or In Part From Federal Funds, Subsection (m) of Section 2, to Provide a Limitation On the Time When a Contracting City May Enter the Retirement System and Receive Prior Service Credit For Employees; Subsection (f) of Section 5, to Remove From State Employees In State Service On July 1, 1945, the Right to File An Election Not to Become Members of the Retirement System and to Provide a Limitation On the Time When Such Employees Who Elected Not to Become Members May Elect to Become Members and Receive Prior Service Credit; Section 12, to Provide Members Credited With Less Than Ten (10) Years of Public Service Cease to Be Members of the System Upon Termination of Employment; Section 13, to Provide All Contributions Paid Into the Public Employees Retirement Fund As the Employer Agency Portion From the State, Counties, Cities, Towns, School Districts or Other Public Agencies or Political Subdivisions Shall Constitute a Pooled or Mingled Fund For Payment of All Claims; Section 14, to Provide For a Board of

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Administration of Five (5) Members With Per Diem Compensation; Subsection (d) of Section 18, to Provide Payments From the Retirement Fund Shall Be Upon Vouchers Signed By Two Board Members Designated By the Board and Subsection (m) of Section 18, to Provide Members With Less Than Ten (10) Years' Service Whose Service Is Discontinued Otherwise Than By Death or Retirement Shall Be Paid Ninety Per Centum (90%) of Their Accumulated Contributions Without Interest and to Provide Members Whose Service Is Discontinued Otherwise Than By Death or Retirement After Ten (10) or More Years Service Shall Have the Right to Elect Whether to Allow Their Contributions to Remain In the Retirement Fund; Subsection (a) of Section 19, to Provide Compulsory Retirement Provisions Shall Not Apply to Elective Officers or Officers Appointed By the Governor During the Terms For Which Elected or Appointed and Subsection (d) of Section 19, to Provide a Minimum Retirement Age of Sixty (60) Years After Ten (10) Years of Public Service; Subsection (a) of Section 35, to Provide For Payment Monthly By Each Department, Board, Commission, Bureau, or Other Agency of the State Into the Retirement Fund a Sum Equal to Three Per Centum (3%) of the Total Compensation Paid Members of the Retirement System; Subsection (b) of Section 35, to Provide Each Department, Board, Commission, Bureau or Other Agency of the State Shall Certify Monthly to the State Auditor Total Compensation Paid Members of the System, Whereupon the Auditor Shall Draw a Warrant For Three Per Centum (3%) of Such Compensation Upon Funds Appropriated to Each Department, Board, Commission, Bureau or Other Agency of the State, and Adding to Section 35 (a) Subsection (d), to Provide For Payment By State Departments, Boards, Commissions, and Bureaus For Payment of Three Per Centum (3%) of Compensation Received By State Employees Who Are Paid Either Fully or In Part From Federal Funds, But Who Are Not Subject to the Federal Retirement System; and Adding a New Section to the Public Employees Retirement Act, to Provide State Employees Whose Compensation Is Paid Either Fully or In Part From Federal Funds, Shall Be Entitled to All Benefits and Be Required to Make All Employee Contributions Under the Public Employees

Title of act.

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Retirement System; All of the Above Being Amendments to the Public Employees Retirement Act, Chapter 212 of the Session Laws of the Twenty-ninth Legislative Assembly of Montana, 1945; Making This Act Effective Upon Its Passage and Approval; and Repealing All Acts or Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Sec. 2, Ch. 212 Laws of 1945, amended.

Section 1. That Section 2 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

Definitions.

"Section 2. The following words and phrases used in this act, unless a different meaning is plainly indicated in the context, shall have the following meanings:

"Retirement system."

"(a) 'Retirement system' shall mean the 'public employees' retirement system' created by this act.

"Contracting city."

"(b) 'Contracting city' shall mean any municipal corporation in the state which has elected to have all, or any part, of its employees become a part of the retirement system and which has contracted with the board for such purpose.

"Contracting county."

"(c) 'Contracting county' shall mean any county in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of this act to counties, wherever in this act reference is made to 'city', 'contracting city', 'city employee', 'city clerk', 'municipal corporation', or 'legislative body' of any city or municipal corporation, such words shall be construed to read, respectively, as 'county', 'contracting county', 'county employee', 'county clerk', 'county' or 'board of county commissioners' of any county.

"Public agency."

"(d) 'Public agency' shall mean any public district or other local authority or public body whatsoever.

"(e) 'Contracting public agency' shall mean any public agency in the state which has elected to have all or any part of its employees become a part of the retirement system and which has contracted with the board for such purpose. For the purpose of applying the provisions of

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this act to public agencies, whenever in this act reference is made to 'city', 'contracting city', 'city employee', 'city clerk', 'municipal corporation', or 'legislative body' of any city or municipal corporation, such words shall be construed to read, respectively, as 'public agency', 'contracting public agency', 'public agency employee', 'secretary of governing board or analogous authorized employee of the public agency', 'public agency', or 'governing board or head of a public agency not managed by a board'.

"(f) State employee. 'State employee' means any person in a state office or regularly employed by the state in any capacity whatever and whose salary is paid either by warrant of the state auditor and from the fees or income of any department or agency of the state, excepting all elective and all appointive (except as herein otherwise provided) officers, court commissioners, the members of any state board or commission who serve the state intermittently and are paid on a per diem basis; but including the president and all deans, professors and instructors in every department, college, and school of the University of Montana. *'State employee' means further any employee under direct state supervision or functional state supervision as certified by the head of the state department concerned and approved by the board of the public employees retirement system, who is paid either fully or in part from federal funds, but is not subject to the federal retirement system.* Temporary employees shall not be eligible to membership, but probationers thereunder and temporary employees shall become members at the expiration of six months' continuous employment, and deductions shall be made from the salaries of such employees beginning on the first day of the calendar month following the completion of six (6) months' continuous employment. Permanent seasonal employees shall in no event be considered temporary employees. "State employee."

"(g) 'Head of department' means the head of any department, institution or branch of the state service which directly pays salaries out of its income or which prepares, approves, and submits salary statements of its employees to the state board of examiners, state auditor and state treasurer for payment. "Head of department."

"(h) 'Member' shall mean any person included in the membership of the retirement system set forth in Section 4 and not excluded in Section 5 of this act. "Member."

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"Board." "(i) 'Board' shall mean the 'board of administration' created in this act.

"Retirement fund." "(j) 'Retirement fund' shall mean the 'public employees' retirement fund' created and established in Section 13 of this act.

"State service." "(k) 'State service' shall mean service rendered as an employee, hired or appointed, of the state or its university or any of the colleges, schools, components or units thereof for the purposes of this act, service rendered as an employee of any contracting city for compensation, and, for the purposes of this act, a member shall be considered as being in the 'state service' only while he is receiving compensation from the state, or its university as aforesaid or the contracting city for such service, except as provided in subdivision (f) of Section 14 thereof.

"Prison employee." "(l) 'Prison employee' for the purpose of the retirement system, means persons appointed by the warden of the state prison or by the state board of prison commissioners.

"Prior service." "(m) 'Prior service' shall mean all state service, or service to a contracting city, rendered before the first day of January, 1945; and all service rendered as an employee of the university before the same date, and all state service rendered as an employee of a contracting city before the effective date of the city's participation in the retirement system, and allowable as provided in subdivision (h), Section 14 of this act. *Employees of a contracting city shall receive credit for prior service only if the election of the contracting city to participate in the public employees retirement act is filed with the board on or before, but not after, July 1, 1950.* Notwithstanding the sentence preceding, 'prior service' as applied to a person, employed by the state, including the university, who became a member while employed on a part-time basis, because of amendments to this retirement act, or as applied to a person who became a member prior to said amendments, because of a change in the employment status to a full-time basis, shall mean all state service rendered before the effective date of said membership.

"Continuous service." "(n) 'Continuous service' as applied to 'prior service' shall mean all prior service, regardless of interruptions in such service, and as applied to service as a member shall mean uninterrupted employment in state service,

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except as provided by subdivision (h) Section 14 hereof, and, except that when for any cause whatever, a member discontinues state service but subsequently re-enters such service within three (3) years from the date of the discontinuance, such interruption shall not be deemed to break the continuity of service.

"(o) 'Beneficiary' shall mean any person in receipt of a pension, annuity, retirement allowance, death benefit or any other benefit provided by this act. "Beneficiary."

"(p) 'Compensation' shall mean the remuneration paid in cash out of funds controlled by the state, the university, or the contracting city, plus the monetary value as determined by the board of administration, of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished by the state, the university, or the contracting city to a member, in payment for services. "Compensation."

"(q) 'Compensation earnable' by a member shall mean the average monthly compensation as determined by the board upon the basis of the average time put in by members in the same group or class of employment and at the same rate of pay, it being assumed that during any absence said member was in the position held by him at the beginning of the absence and that prior to entering state service he was in the position first held by him in such service, but such 'compensation earnable' shall not exceed four hundred sixteen dollars and sixty-six cents ($416.66) per month. "Compensation earnable."

"(r) 'Final compensation' shall mean the average annual compensation earnable by a member during the five (5) years immediately preceding his retirement. "Final compensation."

"(s) 'Regular interest' shall mean the average interest earned on investments made hereunder, compounded at each June 30th, subject to subdivision (j), Section 14 hereof plus such additional interest as the board may credit from year to year in accordance with the provisions of this act. "Regular interest."

"(t) 'Normal contributions' shall mean contributions by members under the provisions of Section 18 (g) to (n), both inclusive, of this act. "Normal contributions."

"(u) 'Additional contributions' shall mean contributions by members under the provisions of Section 18 (k) of this act. "Additional contributions."

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"Accumulated normal contributions."

"(v) 'Accumulated normal contributions' shall mean the sum of all the normal contributions standing to the credit of a member's individual account, together with the regular interest thereon.

"Accumulated additional contributions."

"(w) 'Accumulated additional contributions' shall mean the sum of all the additional contributions standing to the credit of a member's individual account, together with the regular interest thereon.

"Accumulated contributions."

"(x) 'Accumulated contributions' shall mean accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account.

"Pension."

"(y) 'Pension' shall mean payments for life derived from contributions made from the state controlled funds, or in the case of members from contracting cities from the funds of such cities, as provided in this act.

"Annuity."

"(z) 'Annuity' shall mean payments for life derived from contributions made by a member as provided in this act.

"Retirement allowance."

"(aa) 'Retirement allowance' shall mean the pension plus the annuity.

"Death allowance."

"(ab) 'Death allowance' shall mean payments for life, or until re-marriage, or until the youngest child shall attain the age of eighteen (18) years, as provided in Section 26 hereof.

"Actuarial equivalent."

"(ac) 'Actuarial equivalent' shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the board, and interest at a rate to be annually determined by the retirement board compounded annually, subject to subdivision (j), Section 14 hereof.

"Retirement."

"(ad) 'Retirement' shall mean withdrawal from active service with a retirement allowance granted under the provisions of this act.

"Disability."

"(ae) 'Disability' and 'incapacity for performance of duty' referred to herein as a basis of retirement, shall mean disability of permanent duration or disability of extended and uncertain duration, as determined by the board on the basis of competent medical opinion.

"Actuary."

"(af) 'Actuary' shall mean the actuary regularly and

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continuously employed on a full or part-time basis, by the board of administration.

"(ag) 'Benefit' shall be the retirement allowance, death allowance, death benefit or refund of accumulated contributions provided by this act. "Benefit."

"(ah) 'Fiscal year' shall mean any year commencing with July first (1st) and ending June thirtieth (30th) next following." "Fiscal year."

Section 2. That Section 5 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended by amended to read as follows: Sec. 5, Ch. 212 Laws of 1945 amended.

"Section 5. The following employees shall not become members of the retirement system: What employees not eligible.

"(a) Elective officers, other than elective officers who file with the board of administration an election in writing to become members; provided, that any person so excluded from membership, who later becomes a member hereof, shall have the option of making contributions to the retirement system in the amount which he would have contributed had he not been so excluded, and he shall then receive credit for prior service in the same manner as if he had not been so excluded. If he shall affirmatively exercise the option, the contributions of the state, or the contracting city because of his membership, shall be the same as they would have been had he not been so excluded. Persons excluded, who later become members have the option on making contributions.

"(b) Inmates of state institutions who are allowed compensation for such service as they are able to perform.

"(c) Persons in state institutions principally for the purpose of training, but who receive compensation.

"(d) Independent contractors who are not employees.

"(e) Employees serving on a part-time basis unless such employees are members at January 1, 1946, or any time of employment after that date on a part-time basis, or unless such employment is regular and continuous and in the opinion of the employing power will extend for more than one (1) year, and requires service for at least one-half the time required of employees in the same group or class, serving on a full-time basis. Any employee who is a member at January 1, 1946, and who is serving on a part-time basis not requiring at least one-half (½) the Certain employees serving on a part-time basis.

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time required of employees in the same group or class serving on a full-time basis, may elect to terminate his membership in the system. Any employee so selecting shall be considered as permanently separated from state service, solely for the purposes of Section 18 (m) of this act.

Persons who file an election not to become members.

"(f) Persons in state service on July 1, 1945, or prior thereto who filed with the board of administration an election not to become members, *provided* any person so excluded from membership *by his own election* may *on or before, but not after, July 1, 1948,* file with the board of administration an election to become a member *and receive credit for prior service,* and shall become a member of the retirement system on the date of filing such election. Such person shall receive credit for prior service *only if his election to become a member is filed with the board on or before, but not after July 1, 1948,* and shall have the option of paying to the retirement system all or part of the amount which he would have contributed had he not been so excluded but had been a member to and including the date of filing such election to become a member, plus interest which would have accumulated thereon through such date. Upon the retirement of such person under Section 19, the pensions provided by contributions of the state under this act shall be the same as if such person affirmatively exercised the option to pay to the retirement system all of that amount with accumulated interest.

Appointees who do not file election to become members.

"(g) Persons directly appointed, by the governor, and who do not file with the board of administration an election in writing to become members.

Persons who are members of other retirement system.

"(h) Persons who are members of any other retirement or pension system supported wholly or in part by funds of the United States government, any state government or political subdivision thereof and who are receiving credit in such other system for service, it being the purpose of this section to prevent a person from receiving credit for the same service in two (2) retirement systems supported wholly or in part by public funds, and no person shall receive such credit under any circumstances. Any member of the retirement system who, because of his employment by the state, shall be required to become a member of any such other system, shall be considered solely for the purposes of Section 18 (m) of this act as permanently separated from state service. The accumu-

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lated contributions of any member who shall have died after becoming a member of such other system and before receiving said accumulated contributions, shall be paid to the beneficiary nominated by him to receive any death benefit payable under Section 26 hereof. Contributions to the retirement fund under Section 35 hereof on the basis of compensation earned by members after the effective date of termination of membership herein because of the membership in such other system, shall be repaid to the fund from which said contributions were made. For the purpose of this section, persons who merely are receiving pensions or retirement allowances, or other payments, from any source whatever, on account of service rendered to some other agency than the state and when such persons were not in state service, shall not be considered, because of such receipt, members of any other retirement or pension system."

Persons receiving pensions on account of service in other than state agency when not in state service.

Section 3. That Section 12 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

Sec. 12, Ch. 212 Laws of 1945 amended.

"Section 12. Each member and each person retired shall be subject to all provisions of this act and to the rules and regulations adopted by the board of administration. Any person who is retired and any person who is credited with less than *ten (10)* years of *public* service and who renders less than five (5) years of service in any period of ten (10) consecutive years, or withdraws more than one-fourth (¼) of his normal contributions, ceases to be a member."

Termination of membership.

Section 4. That Section 13 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

Sec. 13, Ch. 212 Laws of 1945 amended.

"Section 13. A fund is hereby created and established to be known as the 'public employees' retirement fund' and shall consist of all the cash, securities or other assets paid into it in accordance with the provisions of this act. *All contributions paid into said fund as the employer agency portion from the state, counties, cities, towns, school districts or other public agencies or political subdivisions shall constitute a pooled or mingled fund for payment of all claims made and approved.*"

Fund created.

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Sec. 14, Ch. 212 Laws of 1945 amended.

Section 5. That Section 14 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

Board of administration.

"Section 14. *The board of administration shall consist of five (5) members appointed by the governor, three (3) of which members shall be public employees* and shall be members of the retirement system, *and two (2) of which shall be members at large. The terms of public employee members presently serving on the board of administration shall continue in full force and effect, and the original appointments of the two (2) members at large shall be as follows: One for a term of two (2) years and one for a term of three (3) years. As the respective terms of all members of the board expire,* each appointment shall be for a term of three (3) years; provided not more than one (1) employee member of the retirement board shall be an employee of the same department, bureau or agency *of the state or contracting public agency. Members of the board of administration shall serve on a per diem basis and shall be paid at the rate of ten dollars ($10.00) per day of service, plus actual and necessary expenses, provided, however, the total per diem compensation in any one year for each member of the board shall not exceed the sum of five hundred dollars ($500.00)*

Legal counsel.

"The attorney general is hereby designated legal counsel for the board.

Vacancy on board—how filled.

"(a) Vacancy on board—how filled. Any vacancy occurring ninety (90) days or more before the expiration of the term of any member of the retirement board shall be filled by appointment by the governor. The person thus appointed shall serve for the remainder of the unexpired term.

Powers and duties of board.

"(b) The board may establish such rules and regulations as it deems proper, within the limitations of this act and for its proper administration, operation and enforcement. The board shall elect one (1) of its members president, and shall appoint and fix the compensation of a secretary who shall have the power to administer oaths, and other necessary employees. It shall maintain its office in the city of Helena. A quorum of the board shall be *three (3)* members. The board may appoint a committee of one or more of its members, which shall

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have authority to perform routine acts, such as retirement of members and fixing of retirement allowances, approval of death claims and correction of records necessary in the administration of the system in accordance with the provisions of this act and rules and regulations of the board. All expenses of the administration of this act in excess of amount provided by the one dollar ($1.00) membership fee shall be a charge on the appropriation made from general fund of the state.

Determination of who are employees and eligibility for benefits.

"(c) The board shall determine who are employees within the meaning of this act and shall be the sole authority and judge under this act as to the conditions under which persons may be admitted to and continue to receive benefits under the retirement system, and shall have exclusive control of the administration and investment of the fund. As soon as practical after the close of each fiscal year, the board shall file with the governor a report of its work for such fiscal year.

Allowances for service and disability.

"(d) Subject to the following and to all other provisions of this act, and such rules and regulations as it may adopt in pursuance thereof, the board shall determine and may modify allowances for service and disability.

Credits for service.

"(e) The board of administration shall fix and determine how much service rendered in any fiscal year shall be the equivalent of a year of service and parts thereof, but shall credit one (1) year for two hundred and fifty (250) or more days of service rendered by employees on a per diem basis and one (1) year for ten (10) months or more of service rendered by employees on a monthly basis, but not more than one (1) year for all service in any fiscal year. In determining the credit to be granted for service rendered on a part-time basis, for purposes of calculating retirement allowances, the service shall be reduced to a full-time basis according to the service required, in the next preceding sentence, for credit for one (1) year of service. In calculating benefits based on service so determined, except in calculating the additional pension provided in subdivision (g) of Section 20 compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full-time basis, and with a compensation derived by multiplying the member's compensation by ratio of full-time to the time he was required by his employment to

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Calculation of benefits based on service.

engage in his duties. In calculating the credit to be granted for service rendered on a part-time basis, for purposes of determining qualifications for retirement, and of calculating benefits payable upon death before retirement, the service required in this paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years will be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the year, by the time he was required by his employment to be so engaged.

Absence from public service without compensation.

"(f) Time during which a member is absent from public service without compensation shall not be allowed in computing service; except that time during which a member is absent from public service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces or on ships operated by or for the United States government, either during a war involving the United States as a belligerent or in any other national emergency, and for ninety (90) days thereafter shall be considered as time spent in public service, for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits unless the member elects to contribute and contributes under the retirement system. Any member so absent and until his return within the said ninety (90) days may resign from the system. Any members so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States or in the merchant marine of the United States, and ninety (90) days thereafter or upon his return to the state service, at times and in a manner fixed by the board of administration, amounts equal to the contribution which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute he shall receive credit for public service for such time in the same manner as if he had not been absent from public service. Whenever a member elects to continue his contributions, the state or the contracting city, or county or other agency shall thereupon contribute an

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amount equal to that which it would have contributed under Section 35 of this act or under the contract between the board and the legislative body, as the case may be, if the member had not been absent from state service.

Member absent from state service by order to duties outside state service.

"Any member so absent or any member absent from state service by reason of having been ordered by an authorized official of the State of Montana or the United States, to duties outside state service shall be paid upon his request, his accumulated contributions. Such payment shall terminate any election by said member under this section to contribute.

Absence by reason of injury or illness.

"Time during which a member is absent from public service by reason of injury or illness determined within one (1) year after the end of such absence as arising out of and in the course of his employment, shall be considered as spent in public service, for the purpose of qualification for retirement and death benefits, but not for the calculation of retirement benefits, except as he received compensation, as defined in this act and as distinquished from disability indemnity under the workmens compensation act during the absence, and then only to the extent of compensation received.

Employees to file information affecting status.

"(g) Each employee shall file with the board of administration such information affecting his status as a member of the retirement system as the board may require.

Credit for prior service.

"(h) Credit for prior service shall be granted to each person other than persons who are employees of the university or of a contracting city at the time of becoming members of the retirement system, who has rendered such service as defined in this act, and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service, the prior service credited, however, to be one-half (½) year less than the total prior service rendered by him. Credit for prior service shall be granted to each person who is employed by the university at the time of becoming a member of the retirement system regardless of whether he had been retired under the system prior to the effective date hereof, who has rendered such service as defined in this act and who has become a member of the retirement system on January 1, 1946, or within three (3) years after last rendering prior service, the prior service credited,

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however, to be one-half (½) year less than the total prior service rendered by him.

Credit for prior service by city employee.

"Credit for prior service shall be granted to each person who is employed by a contracting city at the time of becoming a member of the system, who has rendered such service as defined in this act, and who has become a member of the retirement system within three (3) years after last rendering prior service. Notwithstanding the three (3) sentences next preceding, credit for prior service shall be granted to each person employed by the state including the university, who became a member while employed on a part-time basis, because of amendments to this retirement act, or who became a member prior to said amendments, because of a change in status to a full-time basis, but prior service credited shall be one-half (½) year less than the total prior service rendered by him. The credit for prior service to be granted persons employed by a contracting city who are included under the retirement system shall be established by contract between the board and the legislative body of such city; and such credit as may be granted to a person shall be in the form of a percentage, not to exceed the analogous percentage applicable to employees of the state, for each year of prior service. Prior service so credited shall be the basis for a retirement allowance or benefit as provided in this act only if the membership in the retirement system continues unbroken until retirement or retirement allowance or until the granting of such other benefit; provided, that termination of membership by withdrawal of accumulated contributions followed by the redeposit of such contributions upon re-entrance into public service as herein provided shall not constitute a break in membership, but this section shall not be construed to entitle any person to credit as prior service for time during which he was not in public service as defined in this act.

Management and control of system.

"(i) The management and control of the retirement system shall be vested in the board of administration, and it shall exercise the following powers and perform the following duties:

Powers and duties of board.

"(j) The board of administration shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this act. On July 1, 1946, and at the end of every two year period thereafter, it shall cause to be made an actuarial investiga-

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tion into the mortality, service and compensation experience of the members and beneficiaries under the provision of this act, and shall further cause to be made an actuarial valuation of the assets and liabilities of the public employees' retirement fund herein created, and from time to time shall determine the rate of interest being earned on the said retirement fund. Upon the basis of any or all of such investigation, valuation, and determination, said board shall adopt such mortality, service and other tables and such interest rate, in lieu of the interest rate specified herein, or any of such items as it shall deem necessary, and shall make such revision in rates of contributions of members as it may deem necessary to comply with the provisions of Section 18 hereof. No adjustment shall be included in the new rates for time prior to the effective date of such revision.

Interest on contributions of members of beneficiaries.

"(k) The board shall credit contributions of members of beneficiaries, of the state and of contracting cities with interest at the rate being used under the system on the effective date hereof, compounded each June 30th, subject to the foregoing subdivision (j) of Section 14. At the end of each fiscal year, beginning with the second fiscal year of the operation of the retirement system, it may credit to all contributions held in the retirement fund at June 30th of the then current fiscal year, such interest in excess of said rate provided herein as it may deem proper in the light of the earnings of the retirement fund during such fiscal year, but such additional interest credited during any fiscal year shall not be greater than the excess of said earnings over the interest otherwise credited to contributions during that year. Interest at said rate, compounded annually, subject to said foregoing subdivision (j) hereof, shall be used in the calculation of benefits under any mortality table adopted by the board, regardless of any additional interest allowed on contribution under this paragraph.

Records and accounts to be kept.

"In addition to other records and accounts, it shall keep such records and accounts as may be necessary to show at any time:

"The total accumulated contributions of members.

"The total accumulated contributions of retired members less the annuity payments made to such members.

"The accumulated contributions of the state and of con-

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tracting cities held for the benefit of members on account of service rendered as members of the retirement system.

"All other accumulated contributions of the state and of contracting cities which shall include the amounts available to meet the obligation of the state and of the contracting cities, respectively on account of benefits that have been granted to retired employees and on account of prior service of members.

Financial statement to be published annually.

(l) In addition to rendering the annual report to the governor required by Subsection (e) of this section, it shall cause to be published annually a financial statement showing an actuarial valuation of the assets and liabilities of the retirement system created by this act and a statement as to the accumulated cash and securities in the retirement fund as certified by the state auditor, but until all prior service is verified, the board of administration may omit from the financial statement published annually, assets and liabilities resulting from such prior service, and may include assets and liabilities on account of service rendered as members in amounts equal only to accumulated contributions held on account of such service."

Sec. 18, Ch. 212, Laws of 1945 amended.

Section 6. That Section 18 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

"Section 18. The retirement fund shall be managed as follows:

Control of administration and investment of fund.

"(a) The board of administration shall have exclusive control of the administration and investment of said fund, subject to the terms, conditions, limitations, and restrictions imposed by the laws of the State of Montana upon savings banks in the making of investments by savings banks.

Investments of fund, how made.

"(b) Investments of said fund shall be made in the manner following and in no other way:

"The board of administration may by affirmative vote from time to time adopt a list of acceptable securities and specify either (i) the sum to be invested or (ii) the cash reserve to be retained in the fund and not invested. While such a list is in effect, securities may be purchased from

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such list up to the amount so specified for investment by an officer or employee of said board of administration, to be designated by said board for such purpose. Securities duly purchased from said list in the manner hereinbefore provided shall be reported to the board of administration at its next regular meeting.

Monthly deposit in state treasury.

"(c) The board of administration shall deposit monthly in the state treasury all amounts received by it as provided in this section and section 35.

State treasurer to be custodian of fund.

Payments from fund.

"(d) The state treasurer shall be custodian of the retirement fund, subject to the exclusive control of the board of administration as to the administration and investment thereof. All payments from said fund shall be *made by him only upon vouchers signed by two board members designated by the board of administration. A duly attested copy of a resolution of the board of administration designating such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it has previously been authorized by resolution of the board of administration.*

Interest and income earned.

"(e) Interest earned on any cash deposit in a bank by the state treasurer and income on other assets constituting a part of the said fund shall be paid into said fund as received. Income, of whatever nature, earned on the retirement fund during any fiscal year, in excess of the interest credited to contributions during said year shall be retained in said fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

Members and employees of board forbidden to have interest in making investment or to borrow from funds.

"(f) Except as herein provided, no member and no employees of the board of administration shall have any interest direct, or indirect, in the making of any investment, or in the gains of profits accruing therefrom. And no member or employee of the said board directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits, nor shall any such member or employee in any manner use the same except to make such current and necessary payments as are authorized by said board; nor shall any member or employee of said board become an indorser or surety as to, or in any manner an obliger for investments by the board.

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Normal rates of contributions of members.

"(g) The normal rates of contribution of members shall be based on sex and the age at the nearest birthday at the time of entrance into the retirement system. The normal rates of contribution shall be such as will provide an average annuity at age 65 equal to one one hundredforthieth of the final compensation of members, according to the tables adopted by the board, for each year of service rendered after entering the system. Nothing in this section shall prevent the adoption of one schedule of rates for males and one schedule for females.

Amount of annuity receivable by member.

"(h) The actual amount of annuity receivable by any member upon retirement shall be the actuarial equivalent of his accumulated contributions, as provided in subdivisions (a) and (k) of Section 20 hereof.

Application of such rate to compensation of members.

"(i) The board of administration shall certify to the head of each office or department of the state and to the registrar of the university the normal rate of contribution as provided in this act for each member in such office, department, or the university, respectively. The head of each office or department of the state shall apply such rate of contribution to so much of the compensation of each member as does not exceed four hundred sixteen dollars and sixty-six cents ($416.66), per month and shall certify to the state auditor on each and every pay roll the amount to be contributed and shall furnish immediately to the board of administration a copy of each and every such pay roll; and each such amount shall be deducted by the head of each office or department and shall be remitted to the board. The registrar of the university shall apply the rate of contribution certified to him by the board to so much of the compensation of each member employed by the university as does not exceed four hundred sixteen dollars and sixty-six cents ($416.66) per month, and the contributions so determined shall be deducted by the registrar of the university from the compensation of each such member; each such amount shall be remitted to the board and the registrar of the university shall furnish to the board a copy of each and every salary roll and pay roll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full

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and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by members during the period covered by such payment, except their claims to the benefits to which they may be entitled under the provisions of this act.

"(j) The board of administration shall certify to the city clerk, or other officer designated by the legislative body, of each contracting city the rate of contribution as provided in this act for each member included under the retirement system respectively. The city clerk, or other officer, shall apply the rate of contribution certified to him by the board to so much of the compensation of each member included in the retirement system as does not exceed four hundred sixteen dollars and sixty-six cents ($416.66) per month, and the contribution so determined shall be deducted by the city clerk, or other officer, from the compensation of each such member; each such amount shall be remitted to the board and the city clerk or other officer, shall furnish to the board a copy of each and every salary roll and pay roll from which such amounts have been deducted. Each contribution deducted and remitted to the board shall be credited by the board, together with regular interest, to an individual account of the member for whom the contribution was made. Payment of salaries or wages less such contribution shall be full and complete discharge and acquittance of all claims to the benefits to which they may be entitled under the provisions of this act.

Application of rate of contribution to be applied compensation of members employed by cities.

"(k) Subject to the rules and regulations to be established and promulgated by the board of administration, any member may elect to contribute at rates in excess of those provided for in subsection (i) and (j) of this section of this act, for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the state or contracting city any additional financial obligation. The provisions of subdivision (f) and (g) of Section 5 shall apply also to additional contributions. The board, upon application shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contributions.

Election by members to contribute at higher rates.

"(l) In addition to the contributions hereinbefore provided to be paid by employees who are members of the retirement system created by this act, every such employee

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Annual membership fee payable by members.

shall pay an annual membership fee of $1.00 which amount, together with other moneys appropriated for that purpose, shall be used for the support of the board of administration.

Payment of accumulated contributions to member whose state service has been discontinued.

"(m) Should the state service of a member be discontinued otherwise than by death or retirement, he shall after the date of discontinuance, be paid such part of his accumulated contributions as he demands, except that if the member is credited with less than *ten (10)* years of state service and, in the opinion of the board of administration is permanently separated from state service by reason of such discontinuance, he shall be paid forthwith *ninety* per centum *(90%)* of his accumulated contributions without interest. The board may, in its discretion, withhold for not more than one year after a member last rendered state service all or part of his accumulated normal contributions if after a previous discontinuance of state service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the retirement fund as provided in subsection (n).

Right of election by member, with ten years service, whose service has been discontinued.

"Any member with ten (10) or more years of service, whose service is discontinued otherwise than by death or retirement, shall have the right to elect within ninety (90) days after such termination of service, and without right or revocation, whether to allow his accumulated contributions to remain in the retirement fund. Upon the qualification for retirement by reason of age or disability of a member who has elected to allow his accumulated contributions to remain in the retirement fund, he shall receive a retirement allowance in accordance with the provisions of Section 20 of the public employees retirement act, exclusive of sub-paragraph (g) of Section 20.

"(n) Any member may redeposit in the retirement fund, in one sum or in not to exceed 12 monthly or 24 semi-monthly payments, an amount equal to that which he withdrew therefrom at the last termination of his membership, subject to minimum monthly or semi-monthly payments as fixed by the board of administration. If a member, upon re-entering the retirement system after a termination of his membership, does not elect to make or, having so elected, subsequently does not make such redeposit, he shall re-enter as a new member without credit for any service except the prior service credited to him

Redeposit in fund by member upon re-entering system.

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before said termination, and the rate of his contribution for future years shall be the normal rate provided for in this act at his age of re-entrance; otherwise his rate of contribution for future years shall be the same as his rate prior to the last termination of his membership, and his membership shall be the same as if unbroken by such last termination. Regardless of whether such redeposit is made, the documents held by the retirement system as executed by said member prior to termination of membership shall be held by the system for the same purposes as prior to said termination, and beneficiaries nominated in such documents shall continue unchanged until changed as provided herein."

Sec. 19, Ch. 212 Laws of 1945 amended.

Section 7. That Section 19 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

"Section 19. Retirement of a member for service shall be made by the board of administration as follows:

Compulsory service retirement.

"(a) From and after July 1, 1947, until January 1, 1951, every member *other than elective officers and officers appointed directly by the governor* shall be retired on the first day of the calendar month next succeeding that in which he attains the age of seventy-five (75) years. *Elective officers and officers appointed directly by the governor who have elected to become and are members of the system may continue to serve in office for the duration of the term for which elected or appointed.* Every employee of the university who becomes a member, and who, at the time of becoming such member has attained the age of seventy-five (75) years, shall be retired forthwith. On and after January 1, 1951, every member who at that time has attained the age of seventy (70) years, shall be retired forthwith, and thereafter every such member must be retired on the first day of the calendar month next succeeding that in which he attains the age of seventy (70) years.

REINSTATEMENT FROM SERVICE RETIREMENT

Reinstatement from service retirement.

"(b) Notwithstanding any other provision of this act, until October 1, 1947, or the termination of the war in which the United States is now engaged, whichever is earlier, any person who has been retired for service (as distinguished from disability) under the provisions of this

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act may be employed in state service in accordance with the laws governing such service, in the same manner as person who has not been so retired, upon the determination of the board of administration, by medical examination, that he is not incapacitated for the duties proposed to be assigned to him.

Adjustments upon re-employment.

"(c) Any person so employed shall be considered as reinstated from retirement and his retirement allowance shall be cancelled forthwith. His individual account shall be credited with an amount which is the actuarial equivalent of his annuity at the time of such reinstatement, and his rate of contribution for future years shall be the same as if he had continued in state service during the period of his retirement. Such person shall receive credit for prior service in the same manner as if he had never been retired.

VOLUNTARY SERVICE RETIREMENT

Voluntary service retirement.

"(d) Upon obtaining the age of *sixty (60)* years or more and completing *ten (10)* years of *public* service credited under this act, any member shall be retired upon his written application to the board, *subject to the provisions of Section 20 (d) of the public employees retirement act.*"

Sec. 35, Ch. 212 Laws of 1945 amended.

Section 8. That Section 35 of Chapter 212 of the Session Laws of the twenty-ninth legislative assembly of the State of Montana, 1945, be and the same is hereby amended to read as follows:

Allocation of money to public employees retirement fund.

"Section 35. (a) From and after *July 1, 1947*, and during the biennium for which appropriations of money are made by this legislative assembly, there shall be paid monthly *by each department, board, commission, bureau, or other agency of the state* into the public employees retirement fund out of moneys appropriated from the state general fund, a sum equal to three per cent (3%) of the total compensation paid members of the retirement system. In computing the amount of compensation upon which said three per cent (3%) shall be reckoned, there shall be included a sum equal to the amount of compensation which would have been paid to members of the system who elect to continue and do continue their contributions to the system and who are absent with the armed forces of the United States, so long as such absence shall be continued.

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"(b) *Each department, board, commission, bureau or other agency of the state* shall certify to the state auditor at the end of each month the total amount of compensation paid members of the retirement system, including that which would have been paid to members who are absent in the armed forces of the United States. The state auditor shall thereupon draw a warrant upon the state treasurer for said three per cent (3%) of compensation contributed by the state. Said warrant shall be drawn on *funds appropriated to each department, board, commission, bureau or other agency of the state* to the credit of the public employees retirement fund and the state treasurer shall deposit the amount thereof in said retirement fund.

Disbursement procedure.

"(c) Contributions made to the retirement system under this section shall be applied by the board of administration to meet the state's obligations under the system in such order and amount as said board shall determine; provided, however, that said contributions shall be first applied to the liability accruing because of state service rendered during such year and on account of pensions provided for in Section 20 of the act, such amounts to be determined by actuarial valuation as computed by the actuary of the said board.

Contributions under this section, how applied.

"(d) *Each department, board, commission, bureau or other agency of the state under whose supervision there are state employees who are paid either fully or in part from federal funds, but who are not subject to the federal retirement system, shall certify to the state auditor at the end of each month the total amount of compensation paid such employees who are members of the retirement system; and the state auditor shall thereupon draw a warrant upon the state treasurer in the amount of three per cent (3%) of the compensation of such employees, regardless of whether such compensation is partly or entirely derived from federal funds. Said warrant shall be drawn on funds appropriated to such department, board, commission, bureau or other agency of the state to the credit of the public employees retirement fund and the treasurer shall deposit* the amount thereof in said retirement fund."

Certification to state auditor of compensation paid by members of retirement system.

Section 9. A state employee whose compensation is paid either fully or in part from federal funds, but who is not subject to the federal retirement system, shall be

State employees paid from federal funds but who are not subject to federal retirement system.

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entitled to all benefits and be required to make all employee contributions under the public employees retirement system of the State of Montana, based upon the full salary received by such employee, including that portion of salary paid from federal funds.

Severability of act.

Section 10. If any section, subdivision, sentence or clause of this act is held to be unconstitutional or inoperative by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this act.

Repealing clause.

Section 11. All acts or parts of acts in conflict herewith are hereby repealed.

Section 12. This act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

CHAPTER 298

An Act Providing For a License Tax On Trade Stimulators Including Punch Boards, Pull Cards, and Similar Devices; Fixing the Amount of Such Tax, Prescribing the Method of Administration By the State Board of Equalization, Defining the Terms Used Herein, the Disposition of the Revenue From Said Licenses, Providing Penalties For the Violation of This Act and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of ...e State of Montana:

Definitions.

Section 1. The words and phrases used in this act shall be given the following interpretation:

"Board."

1. The word "board" unless otherwise designated, means the state board of equalization of the State of Montana.

"Person."

2. The word "person" includes every individual, partnership, corporation, association, or organization.

"Trade stimulator."

3. The words "trade stimulator" mean any device or object housing, containing or enclosing, or having as a part thereof numbered tickets, variegated symbols and tokens or any pull board, ticket board or punch board or

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their equivalents, any one or more of which announces that an award will be made to a purchaser thereof in terms of merchandise or other things of value, but does not mean a slot machine or mechanical device.

Trade stimulators, use and sale of, declared lawful.

Section 2. From and after the effective date of this act, it shall be lawful for any person as defined herein, to exhibit for use and for sale and to exhibit, sell and use trade stimulators, which, for the purposes of this act, shall be considered any device or object housing, containing or enclosing, or having as a part thereof numbered tickets, variegated symbols, and tokens, or any pull board, ticket board, or punch board, or their equivalents, any one or more, of which announces that an award will be made to a purchaser thereof in terms of merchandise or other things of value, upon the exhibitor permanently affixing to such trade stimulator a use tax stamp of the value hereinafter prescribed, and which use tax stamp will plainly show that a special tax has been paid thereon at the true rate hereby levied and imposed, viz., the sum of three per cent (3%) of the value of the total number of such tabs, tickets, pellets, punches or similar things on the board or the full cash return of such trade stimulator to the exhibitor, as computed by the purchase price posted by the exhibitor as the going price of each numbered ticket, variegated symbol, token or its equivalent; that use tax stamps shall be affixed by the exhibitor to any trade stimulator at the time the same is purchased or otherwise acquired and received by him at his place of business. Said use tax stamps shall, at such time be simultaneously cancelled by the exhibitor indicating by uneraseable writing over the face thereof, identified by his initials and the date of the cancellation on each stamp. Failure to affix and/or cancel such use tax stamps, re-use of a cancelled stamp on other than the original trade stimulator, or permitting minors to patronize a trade stimulator, shall be a misdemeanor and shall be punishable by a fine of not to exceed one hundred dollars ($100.00), for each separate offense.

Use tax stamp to be affixed.

Amount of stamp.

Cancellation of stamp.

Penalty.

Duties of board.

The state board of equalization is hereby authorized, empowered and directed to provide such use tax stamps, in such design, title, forms and denominations as will be appropriate, and to collect the moneys therefor, and shall every thirty (30) days, remit the proceeds from the sale of such use tax stamps to the state treasurer for credit to the

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state general fund; provided, however, that out of said proceeds there shall be paid, on claims regularly presented against the state, and approved by the state board of examiners, the costs of enforcing and the expenses of administering the provisions of this act. The state board of equalization is hereby authorized, empowered and directed to supply use tax stamps upon direct application from exhibitors and payment to the board; and for the convenience of purchasers and users of such use tax stamps, the state board of equalization may deposit such stamps with the county treasurer of any county, and it shall be the duty of the county treasurer to accept payment for said stamps and remit therefor to the state board of equalization at intervals fixed by said board, or at any time on demand of said board, and the county treasurer shall at all times be liable to the state board of equalization for the value of any such stamps so deposited with him. The said state board of equalization shall cause to be set up appropriate records to reflect the supply, deposits, purchasers, purchases, and movements of such use tax stamps and payments therefor. The state board of equalization, or any authorized representative thereof, the county treasurer in any county of this state, the sheriff (including under-sheriff and deputies), and county attorney of any county in this state shall enforce the provisions of this act, and for such purposes may inspect and search any premises whereon or wherein said trade stimulators are kept, or any persons having custody of the same, and inspect any such trade stimulators, and the stamp supplies of exhibitors, proceeding with or without, search warrant in circumstances required by the applicable statutes of the State of Montana; all exhibitors shall, upon demand of said officers or representatives, or any one or more of them forthwith display any and all of such devices, or stamps, cancelled or uncancelled, in their custody or on premises.

Officers charged with enforcement of act.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 20, 1947.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Thirtieth Legislative Assembly

STATE OF MONTANA

1947

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 1

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirtieth Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for the Incidental Expenses of the Thirtieth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of mileage and per diem to the members of the thirtieth legislative assembly of the State of Montana.

Ninety-five thousand dollars.....$ 95,000.00

For the payment of per diem to the officers and attaches of the thirtieth legislative assembly of the State of Montana.

Forty thousand dollars.....$ 40,000.00

For the payment of incidental expenses of the thirtieth legislative assembly of the State of Montana.

Twenty thousand dollars.....$ 20,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 10, 1947.

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HOUSE BILL NO. 3

An Act to Appropriate Money from the Post-War Planning and Construction Reserve Fund to Defray or Finance the Cost of Needed and Necessary Post-War Construction, Improvements, and Development In and About Institutions and Buildings Owned or Operated By the State of Montana, Namely Eastern Montana Normal School at Billings, Montana School of Mines at Butte, Montana State College at Bozeman, Montana State Normal College at Dillon, Montana State University at Missoula, Northern Montana College at Havre, School for Deaf and Blind at Great Falls, Industrial School for Boys at Miles City, Montana State Orphans' Home at Twin Bridges, Montana State Prison at Deer Lodge, Montana Soldiers' Home at Columbia Falls, Montana State Training School at Boulder, Vocational School for Girls at Helena, Montana State Tuberculosis Sanitarium at Galen, Water Conservation Board and State Capitol at Helena, All for the Purpose Expressed In Chapter 148, Session Laws of 1945.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby, appropriated out of the post-war planning and construction reserve fund, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947, and ending June 30, 1949.

EASTERN MONTANA NORMAL SCHOOL, BILLINGS

New construction, science building.....$175,000.00

MONTANA SCHOOL OF MINES, BUTTE

Improvement and rehabilitation, main hall Mill building, gymnasium, metallurgy building, campus improvements .....$ 98,750.00

New construction, shop building, furnishings and equipment .....$ 20,000.00

MONTANA STATE COLLEGE, BOZEMAN

Improvement and rehabilitation, agricultural building, gymnasium, Hamilton hall, Herrick hall, Lewis hall, Montana hall, chemistry building, campus roads.....$179,480.00

New construction, library building.....$400,000.00

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MONTANA STATE NORMAL COLLEGE, DILLON

Improvement and rehabilitation, residence hall, gymnasium, main building, heating plant ..... $ 23,300.00

MONTANA STATE UNIVERSITY, MISSOULA

Improvement and rehabilitation, University hall, science hall, Craig hall, women's gymnasium, law building, old store building, carpenter shop and storage, nursery building, bleachers and garage storage, Simpkins hall, Cook hall, R. O. T. C. building, natural science building, infirmary, biological station, library building, men's gymnasium, heating plant, music practice house, student union building, journalism building, chemistry-pharmacy building, women's club art building, class bell system, water mains $277,275.00

New construction, heating plant: equipment to take care of new building. School of Business Administration $380,000.00

NORTHERN MONTANA COLLEGE, HAVRE

Improvement and rehabilitation, Pershing hall, East hall, Co-operative hall, campus ..... $ 33,480.00

New construction, main building $200,000.00

SCHOOL FOR THE DEAF AND BLIND, GREAT FALLS

Improvement and rehabilitation, main building, laundry equipment, paving, water softener, playground equipment ..... $ 30,100.00

INDUSTRIAL SCHOOL FOR BOYS, MILES CITY

Improvement and rehabilitation, boys' building, administration building, cottages A, D, C, E, president's residence, secretary's residence, industrial building, gymnasium, dairy barn, water tank and tower, smokestack, earth roofs, and water system ..... $ 42,906.00

New construction, dairy building and equipment ..... $ 36,000.00

MONTANA STATE ORPHANS' HOME, TWIN BRIDGES

Improvement and rehabilitation, tunnel, sewage disposal system, fire equipment, slaughter house, slough drainage, school and cottages, LG, C3, C4, C5, sidewalks, out buildings, ice plant, irrigation ..... $ 68,800.00

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New construction, maintenance shop, ten-stall garage and equipment. Convalescing hospital ward and furnishings. Root cellar, athletic equipment only.....$ 17,200.00

MONTANA STATE PRISON, DEER LODGE

Improvement and rehabilitation, hospital building, license plate factory, inside administration building.....$ 74,400.00

New construction, trusties bunk house.....$114,000.00

MONTANA SOLDIERS' HOME, COLUMBIA FALLS

Improvement and rehabilitation, women's building, commandant's residence, farm buildings, laundry, engine room, water supply, general repairs, hospital building, service building .....$ 93,400.00

MONTANA STATE TRAINING SCHOOL, BOULDER

Improvement and rehabilitation, main buildings "A" and "B", tunnel, gymnasium, hospital "E", storage and shoe shop "C", superintendent's cottage, water tank, custodial department cottages and main building, laundry, heating plant, water system and supply, sewage disposal system $132,300.00

VOCATIONAL SCHOOL FOR GIRLS, HELENA

Improvement and rehabilitation, cottages Nos. 1, 2, 3, lighting system, water and sewage lines, gymnasium, administration building, water softener, water system, drainage and bridges.....$ 70,840.00

MONTANA STATE TUBERCULOSIS SANITARIUM, GALEN

Improvement and rehabilitation, fire escapes, tunnel, water supply, laundry, outside lighting, receiving hospital, men's hospital, girls' dormitory, doctor's residences, student nurses' dormitory, superintendent's residence, Walsh cottage, paving.....$130,630.00

New construction, hospital building.....$400,000.00

WATER CONSERVATION BOARD

New construction, projects to be determined by the water conservation board. For construction — revolving fund $650,000.00

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STATE CAPITOL

Improvement and rehabilitation, front entrance of capitol building ..... $ 65,000.00

New construction, separate office building, including purchase and cost of securing of land therefor..... $550,000.00

Section 2. The state board of examiners is hereby authorized, empowered, and directed to employ such architects, engineers and other personnel as may be necessary for the purpose of carrying out the foregoing appropriations and shall call for bids for the construction of the above-listed projects and let contracts for the same, all in accordance with the laws of the State of Montana.

Section 3. The appropriations contained herein providing for new construction shall not be used before January 1, 1948 and must be used for the purposes designated and shall not be interchangeable.

Section 4. The appropriations hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 27, 1947.

HOUSE BILL NO. 79

An Act to Appropriate Money for the Operation, Maintenance, and Other Purposes As Designated Herein for the Adjutant General of the State of Montana for the Period Beginning January 1, 1947, and Ending June 30, 1947, Appropriations the Need for Which Was Unforeseeable By the Twenty-ninth Legislative Assembly 1945, When the National Guard of Montana Was In the Service of the United States.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which

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is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the period beginning January 1, 1947 and ending June 30, 1947, and are appropriations the need for which was unforeseeable by the twenty-ninth legislative assembly, 1945, when the national guard of Montana was in the service of the United States.

Section 2. The following sums or so much thereof as may be found necessary be, and the same are hereby appropriated to the adjutant general out of any monies in the state treasury not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning January 1, 1947 and ending June 30, 1947:

FROM THE GENERAL FUND

For salaries, six hundred dollars.....$ 600.00

For capital, repairs and replacements, seventy-five dollars 75.00

For rental of training halls and store rooms, ten thousand two hundred seventy-five dollars..... 10,275.00

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For operation, nine thousand five hundred eighty-eight and 50/100 dollars..... 9,588.50

Section 3. All appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 4. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1947.

HOUSE BILL NO. 85

An Act to Appropriate Money for the Purpose of Paying to the Public Employees' Retirement Fund An Amount Equal to Three Per Centum of the Total Compensation of State Employees of Certain State Departments Who Are Members of the Retirement System, During the Biennium Commencing July 1, 1945, and Ending June 30, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated to the public employees retirement fund out of any money in the state treasury, not otherwise appropriated, for the purpose of paying three per centum of the total compensation of state employees of the departments enumerated who are members of the public employees' retirement system, during the biennium commencing July 1, 1945, and ending June 30, 1947:

Adjutant general	$ 236.19
Agriculture	2,366.88
Attorney general	45.00
Montana state college	8,258.88
Montana state normal college	685.89
Montana state university	6,835.46
Capitol custodian	1,231.49
Governor's office	474.00
Montana state forester	2,215.40
Board of hail insurance	322.13
Board of health	1,200.00

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Montana state highway patrol	112.80
Montana state historical society	126.90
Montana state hospital for insane	8,587.59
Montana state industrial school	1,100.00
Montana state law library	222.30
Livestock commission	4,750.00
Montana state orphans' home	1,136.09
Superintendent of public instruction	415.08
Public welfare commission	8,605.14
Secretary of state	1,104.30
Teachers' retirement system	229.79
Montana state tuberculosis sanitarium	4,186.79
Montana state entomologist	149.40
	$54,597.50

FROM THE GENERAL FUND

Fifty-four thousand five hundred ninety-seven dollars and fifty cents.....($54,597.50)

Section 2. The appropriation hereinabove provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 8, 1947.

HOUSE BILL NO. 96

An Act Appropriating Moneys to the Montana State Highway Commission for Use In Publicizing the Resources and Amenities of the State for the Biennium Ending June 30th, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That it is in the interest of the whole State of Montana that the state's unexcelled scenic and recreational attractions and their accessibility, our wildlife resources, and our investment opportunities in agricultural and industrial enterprises be given nationwide publicity, and as incidental to that and agricultural statistics relating to the counties in the state be compiled by co-opera-

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tion between the state department of agriculture, labor and industry with the bureau of agricultural economics.

Section 2. That the following sums or so much thereof as may be found necessary, be and the same are hereby, appropriated out of any moneys in the state treasury not otherwise appropriated for the purposes in this act expressed:

(a) For the period beginning July 1, 1947 and ending June 30, 1948.....$50,000.00

(b) For the period beginning July 1, 1948, and ending June 30, 1949.....$50,000.00

Section 3. That the Montana state highway commission, by the majority act of all its members, shall have power to enter into contracts for such publicity and co-operation referred to in this act, beginning at such time as in the judgment of said board may be in the best interest of the state and nation, and to pay for such publicity by warrants drawn by the state auditor, upon claims presented to and approved by a majority of said board, upon said funds hereby appropriated.

Section 4. At the beginning of the next regular session of the legislative assembly, the Montana state highway commission shall make to each house of that body a report setting forth in full an account of their administration of said funds.

Approved March 5, 1947.

HOUSE BILL NO. 114

An Act to Appropriate Money for the Purpose of Paying Salaries, Expenses and Operation of the Montana State Apprenticeship Council of the Department of Agriculture, Labor and Industry, for the Period Ending June 30, 1947, It Having Been Determined That the Appropriation Made By the Twenty-ninth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying salaries, expenses and operation of the Montana state apprenticeship council for the period ending June 30, 1947, it

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having been determined that the appropriation provided by the twenty-ninth legislative assembly is insufficient.

FROM THE GENERAL FUND

For salaries, expenses and operation of the Montana state apprenticeship council.....$38,225.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

HOUSE BILL NO. 141

An Act to Appropriate Money for the Purpose of Repayment of Payments Made to the Montana State Prison By the Commodity Credit Corporation Through the Powell County Agricultural Conservation Association Erroneously and Authorizing the Repayment of the Same From the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of Commodity Credit Corporation payments made to the Montana state prison erroneously.

FROM THE GENERAL FUND

For the repayment of Commodity Credit Corporation payments, one thousand, five hundred ninety-nine dollars and thirty-six cents.....$1,599.36

More particularly itemized as follows:

United States treasurer, care of Powell County Agricultural Conservation association.....$1,599.36

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1947.

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HOUSE BILL NO. 142

An Act to Appropriate Money for the Purpose of Repayment of Electric Energy License Tax Erroneously Paid to the State of Montana and Authorizing the Repayment of the Same From the General Fund of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of electric energy license tax erroneously paid to the State of Montana.

FROM THE GENERAL FUND

For the repayment of electric energy license tax, eighty-one dollars and seven cents..... $81.07

More particularly itemized as follows:

McCone County Electric Co-op., Inc. $81.07

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 143

An Act to Appropriate Money for the Purpose of Repayment of Over-Payment of Oil Production License Taxes Paid to the State of Montana and Authorizing the Repayment of Same From the General Fund of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of the over-payment of oil production license taxes paid to the State of Montana.

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FROM THE GENERAL FUND

For the repayment of oil production license taxes, six hundred thirty-three dollars and seventeen cents.....$633.17

More particularly itemized as follows:

Blakesley Bros.	$ 1.21
Northern Petroleum Co.	3.19
B. M. & A. Oil Co.	5.49
Hamilton & Hamilton, Inc.	14.62
Albert Goeddertz	14.72
Kenneth H. Davis	35.85
Ullman-Pondera Syndicate	43.82
Louis W. Hill	127.73
J. H. Agen-Oil	177.15
Big West Oil Company	209.39

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 144

An Act to Appropriate Money for the Salaries and Expenses for the Montana State Apprenticeship Council.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the general fund not otherwise appropriated, for the objects and purposes hereinafter set forth. For the period beginning July 1, 1947 and ending June 30, 1948:

MONTANA STATE APPRENTICESHIP COUNCIL

For salaries and expenses, thirty thousand dollars.....$30,000.00

Section 2. That the following sum or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the general fund not otherwise appropriated, for the objects and purposes hereinafter set forth. For the period beginning July 1, 1948 and ending June 30, 1949:

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MONTANA STATE APPRENTICESHIP COUNCIL

For salaries and expenses, thirty thousand dollars.....$30,000.00

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

HOUSE BILL NO. 145

An Act to Appropriate Money for the Purpose of Making Settlement With Paul C. Phillips Arising From An Obligation Incurred for the Payment of Salary for Paul C. Phillips, a Professor At the State University, and Providing That the State Board of Examiners Shall Make Final and Complete Settlement.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of seven thousand five hundred dollars ($7,500.00) or so much thereof, as may be necessary, be and the same is hereby appropriated out of the university millage fund, not otherwise appropriated, for the settlement of the claim of Paul C. Phillips arising from an obligation incurred for the payment of salary of said Paul C. Phillips, a professor at the Montana state university.

Section 2. It is hereby provided that the state board of examiners are given authority to make a final and complete settlement with the aforesaid Paul C. Phillips, provided however, that in making such settlement the amount to be paid Paul C. Phillips shall not exceed the appropriation contained herein.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

HOUSE BILL NO. 146

An Act to Appropriate Money for the Purpose of Repayment of Over-

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Payment of Gasoline Tax Paid to the State of Montana and Authorizing the Repayment of Same From the Highway Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as is necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of over-payment of gasoline tax paid to the State of Montana.

FROM THE HIGHWAY FUND

For the repayment of over-payment of gasoline tax, one hundred seventy-six dollars and eighty-two cents.....$176.82

More particularly itemized as follows:

Farmers Union Trading Co. $176.82

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 147

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising for Obligations Incurred By the Highway Patrol.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency claims arising for obligations incurred by the Montana highway patrol.

FROM THE GENERAL FUND

For obligations incurred by the Montana highway patrol, three hundred fifty-eight dollars and eight-two cents.....$358.82

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More particularly itemized as follows:

R. L. Polk & Co.	$ 15.00
Montana Highway Patrolmen's association	$180.00
United Transfer & Storage	$ 4.37
Roosevelt County	$147.00
Farmers Union Trading Co.	$ 6.30
Edwards & Hanson	$ 6.15

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1947.

HOUSE BILL NO. 185

An Act to Appropriate Money From the Hail Insurance Administrative Fund of the State of Montana for the Purpose of Maintenance and Operation of the State Board of Hail Insurance for the Year Ending June 30, 1947, the Appropriations Made By the Twenty-ninth Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury in the hail insurance administrative fund of the State of Montana, not otherwise appropriated, for the objects and purposes hereinafter enumerated, for the year ending June 30, 1947, it having been determined that the appropriations made by the twenty-ninth legislative assembly were insufficient.

For the state board of hail insurance.

For salaries and expenses, two thousand five hundred dollars $2,500.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1947.

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HOUSE BILL NO. 189

An Act to Appropriate Funds for the Payment of Certain Deficiency Claim Arising for Obligations Incurred By the State Capitol Custodian.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as is necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying a certain deficiency claim arising for obligations incurred by the state capitol custodian.

FROM THE GENERAL FUND

For obligations incurred by the state capitol custodian, two hundred ninety-three dollars and eleven cents.....$293.11

More particularly itemized as follows:

The Montana Power Company.....$293.11

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 190

An Act to Appropriate Funds for the Payment of a Certain Deficiency Claim Arising for Obligations Incurred By the Vocational School for Girls.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as is necessary, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying a certain deficiency claim arising for obligations incurred by vocational school for girls.

FROM THE GENERAL FUND

For obligations incurred by the vocational school for girls, ninety-four dollars and fifty cents.....$94.50

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More particularly itemized as follows:
Herrin Dairy $94.50

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 191

An Act to Appropriate Funds for the Payment of a Certain Deficiency Claim Arising for Obligations Incurred By the Attorney General's Office.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as is necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying a certain deficiency claim arising for obligations incurred by the attorney general's office.

FROM THE GENERAL FUND

For obligations incurred by the attorney general's office, sixty dollars and eighty-five cents $60.85

More particularly itemized as follows:

Naegele Printing Company $60.85

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 199

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes for the Montana Highway Patrolmen's Retirement

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Board for the Period Beginning July 1, 1946 and Ending June 30, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1947.

FOR THE MONTANA HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries, one hundred eighty dollars $180.00

For expenses, one hundred seventy-five dollars $175.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1947.

HOUSE BILL NO. 200

An Act to Appropriate Money for the Purpose of Repayment of License Fees Paid to the Montana Liquor Control Board In Error.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of repayment of erroneously collected liquor and beer license taxes paid to the Montana liquor control board and deposited to the general fund of the State of Montana.

FROM THE GENERAL FUND

For the repayment of liquor and beer license taxes erroneously collected, one thousand, two hundred forty-eight dollars and sixty-eight cents $1,248.68

More particularly itemized as follows:

Montana-Dakota Distributors 493.17

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Nash-Finch Company 355.51
Hiram R. Briney..... 400.00

Section 2. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 15, 1947.

HOUSE BILL NO. 201

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein for the Montana Highway Patrol for the Remainder of the Current Fiscal Year Ending June 30, 1947, It Having Been Determined That the Appropriation Made By the Twenty-ninth Legislative Assembly Was Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the fiscal year ending June 30, 1947, for the Montana highway patrol.

FROM THE GENERAL FUND

For salaries, forty-two thousand dollars..... $42,000.00

For expenses, seventy-five thousand three hundred forty-seven dollars $75,347.00

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1947.

HOUSE BILL NO. 212

An Act to Appropriate Money for the Payment of Per Diem to the Officers and Attaches and for the Incidental Expenses of the Thirtieth Legislative Assembly of the State of Montana.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other:

For the payment of per diem to the officers and attaches of the thirtieth legislative assembly of the State of Montana, forty-five thousand dollars.....$45,000.00

For the payment of incidental expenses of the thirtieth legislative assembly of the State of Montana, ten thousand dollars.....$10,000.00

Section 2. The amounts appropriated herein are to be used for the purposes designated. However, if there is a surplus in either of the above items, it may be transferred to the other item appropriated herein for the legislative assembly; provided, the aggregate amount of both appropriations shall be neither increased nor decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1947.

HOUSE BILL NO. 213

An Act to Appropriate Money Out of the Common School Permanent Fund for the Purpose of Reimbursing the Heirs of the Estate of Jean B Labiste Whose Estate Escheated to the Common School Permanent Fund Account and Should Be Paid to the Heirs As Established By the Judgment of the District Court Distributing Such Estate.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in the common school permanent fund of the State of Montana the sum of six thousand, three hundred thirty-one dollars and eighty-two cents ($6,331.82), not otherwise appropriated, for the purpose of distributing the escheated estate of Jean B. Labiste to the heirs of said estate as established by the judgment of the district court distributing said estate.

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Section 2. In the making of the distribution of funds hereby appropriated, the amount of inheritance tax due the State of Montana from such estate shall be determined and paid prior to the distribution.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1947.

HOUSE BILL NO. 214

An Act to Appropriate Money From the General Fund and Special Funds Enumerated Herein, for the Operation and Maintenance of Certain Departments and Institutions for the Year Ending June 30, 1947, the Appropriations Made By the Twenty-ninth Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, and from special funds enumerated herein, for the objects and purposes expressly set forth, for the year ending June 30, 1947, it having been determined that the appropriations made by the twenty-ninth legislative assembly were insufficient:

MONTANA STATE ORPHANS' HOME

FROM THE GENERAL FUND

For salaries and expenses, seven thousand eight hundred sixteen dollars and sixty-two cents $7,816.62

MONTANA STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, six thousand two hundred sixty-six dollars and seventy-one cents $6,266.71

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SECRETARY OF STATE

FROM THE GENERAL FUND

For operating expenses, nine hundred eighty-four dollars..$ 984.00

CAPITOL BUILDING

FROM THE GENERAL FUND

For salaries of postmaster and assistant, three hundred sixty dollars .....$ 360.00

For operating expenses, one thousand dollars.....$1,000.00

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, seven hundred fifty dollars.....$ 750.00

SUPERINTENDENT OF PUBLIC INSTRUCTION—
VISUAL EDUCATION

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries, one thousand eight hundred dollars.....$1,800.00

For operation, one thousand dollars.....$1,000.00

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

HOUSE BILL NO. 230

An Act to Appropriate Fifty Thousand ($50,000.00) Dollars for Each Fiscal Year of the Biennium July 1, 1947 — June 30, 1949, to Continue, Implement, Expand and Make More Effective the Work of the Montana Livestock Commission In the Control of Predatory Animals In the State of Montana Under Said Commission, As Herein Prescribed, and to Empower Said Commission to Enter Into Co-operative Agreements to Promote Said Control.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The sum of fifty thousand ($50,000.00) dollars for

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each fiscal year of the biennium commencing July 1, 1947, and ending June 30, 1949, or so much thereof as may be found necessary shall be and the same is hereby appropriated out of the general funds in the state treasury, to be applied to, used and expended by the Montana livestock commission in continuing, implementing, expanding and making more effective the control, by extermination, destruction, and other appropriate means, of predatory animals injurious to wild game, to domestic poultry, to livestock, and to the public health, in the State of Montana.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

HOUSE BILL NO. 253

An Act to Appropriate to the State Board of Examiners the Balance of All Money Remaining In the Post-War Planning and Construction Reserve Fund On March 1, 1947, for the Purpose of Carrying Out the Provisions of Chapter 148, Laws of 1945, and House Bill No. 3, Thirtieth Legislative Assembly, and Providing for the Payment of Administrative Costs of the Post-War Planning and Construction Commission and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (a) Whereas, Section 4, of Chapter 148, Laws of 1945, created the post-war planning and construction commission, and Section 8 of said act appropriated the sum of four and one-half million dollars ($4,500,000.00) together with the interest and income derived from the investment of said fund to the post-war planning and construction reserve fund for the purposes set forth in said act; and

(b) Whereas, the sum of four million two hundred sixty-two thousand eight hundred sixty-one dollars ($4,262,861.00) of said fund has been appropriated out of the said post-war planning and construction reserve fund for the purposes enumerated in House Bill No. 3, thirtieth legislative assembly; and

(c) Whereas, of the amount appropriated by the provisions of Section 8, Chapter 148, Laws of 1945, ten thousand dollars ($10,-

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000.00) was made available for administrative expenses of said post-war planning and construction commission, of which amount approximately four thousand seven hundred fifty dollars ($4,750.00) remain in said fund; and

(d) Whereas, of the amount appropriated and set aside by said Section 8, two hundred fifty thousand dollars ($250,000.00) was made available for architectural and engineering costs, and the state board of examiners of the State of Montana entered into contracts for architectural and engineering services in accordance with the provisions of said Chapter 148, and the architects and engineers so employed have performed a part of the services required under the terms of said contracts, but the amount due and payable under said contracts has not been ascertained and cannot be ascertained with reasonable certainty, and payment thereunder cannot be made. In consequence thereof, it becomes and is necessary that any and all balances or sums remaining in said post-war planning and construction reserve fund on March 1, 1947, be appropriated to the state board of examiners for the purposes enumerated in said Chapter 148 and House Bill No. 3 of the thirtieth legislative assembly.

Section 2. There is hereby appropriated out of the post-war planning and construction reserve fund, created by Chapter 148, Laws of 1945, all money not otherwise appropriated, including all earnings and income heretofore or hereafter accruing to said fund, to the state board of examiners for the period beginning March 1, 1947, and ending February 28, 1949, to be used by said board in carrying out the objects and purposes, including administrative expense of the post-war planning and construction commission, as enumerated in said Chapter 148, Laws of 1945, and House Bill No. 3 of the thirtieth legislative assembly.

Section 3. It is the intent and purpose of the legislature to appropriate out of the said post-war planning and construction reserve fund all of the balance in said fund remaining therein on March 1, 1947, together with all interest and income heretofore or hereafter accruing to said fund to the state board of examiners for the objects and purposes enumerated in Chapter 148, Laws of 1945, and House Bill No. 3 of the thirtieth legislative assembly.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

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HOUSE BILL NO. 260

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes As Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacement" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the

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appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be found necessary be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947 and ending June 30, 1948.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, seventeen thousand seven hundred dollars....$17,700.00

For capital, repairs and replacements, seven hundred seventy-five dollars ..... $ 775.00

For operation, two thousand forty-five dollars..... $ 2,045.00

For travel and other incidental expenses, two thousand dollars ..... $ 2,000.00

For special investigations, two hundred fifty dollars..... $ 250.00

For requisitions, two thousand dollars..... $ 2,000.00

GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses and other incidental expenses, five thousand two hundred eighty dollars..... $ 5,280.00

For public employees retirement system, office and mansion, one thousand two hundred dollars and fifty-four cents ..... $ 1,200.54

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries, nineteen thousand three hundred dollars $19,300.00

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For capital, repairs and replacements, three hundred twenty-five dollars ..... $ 325.00

For operation, one thousand seven hundred sixty dollars $ 1,760.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, three thousand five hundred fifty dollars..... $ 3,550.00

For public employees retirement system, one thousand four hundred sixteen dollars and ninety-six cents..... $ 1,416.96

ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries, twenty-eight thousand five hundred dollars $28,500.00

For capital, repairs and replacements, eight hundred seventy-five dollars ..... $ 875.00

For operation, three thousand eight hundred ten dollars $ 3,810.00

For salary and expense, escheated estates, three thousand dollars ..... $ 3,000.00

For public employees retirement system, two thousand sixty dollars ..... $ 2,060.00

STATE TREASURER

FROM THE GENERAL FUND

For salaries, eighteen thousand three hundred dollars..... $18,300.00

For capital, repairs and replacements, two hundred twenty-five dollars ..... $ 225.00

For operation, two thousand two hundred fifteen dollars $ 2,215.00

For public employees retirement system, one thousand one hundred fifty-six dollars..... $ 1,156.00

STATE AUDITOR
AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries, twenty thousand seven hundred dollars..... $20,700.00

For capital, repairs and replacements, one thousand two hundred fifty dollars..... $ 1,250.00

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For operation, one thousand six hundred sixty-five dollars ..... $ 1,665.00

For public employees retirement system, two thousand three hundred ninety-nine dollars and four cents ..... $ 2,399.04

FROM HIGHWAY FUND

For salaries, three thousand five hundred dollars ..... $ 3,500.00

For operation, one thousand five hundred dollars ..... $ 1,500.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, fourteen thousand dollars $14,000.00

For capital, repairs and replacements, one hundred twenty-five dollars ..... $ 125.00

For operation, four thousand three hundred seventy dollars ..... $ 4,370.00

For salary and expense, insurance rating, five thousand dollars ..... $ 5,000.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, four thousand five hundred dollars ..... $ 4,500.00

For operation, five hundred dollars ..... $ 500.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, nine thousand nine hundred forty-five dollars ..... $ 9,945.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in Section 5127 of the Revised Codes of Montana 1935, an appropriation sufficient to meet the requirements as provided by law.

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, thirteen thousand four hundred forty dollars $13,440.00

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For capital, repairs and replacements, four hundred twenty-five dollars ..... $ 425.00

For operation, six thousand thirty dollars..... $ 6,030.00

For public employees retirement system, eight hundred fifty-six dollars and eighty cents..... $ 856.80

For teacher's retirement, one hundred forty dollars..... $ 140.00

SCHOOL SUPERVISORS

FROM THE GENERAL FUND

For salaries, nine thousand six hundred dollars..... $ 9,600.00

For travel, one thousand eight hundred dollars..... $ 1,800.00

For teacher's retirement, two hundred ten dollars..... $ 210.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirty-one thousand two hundred ninety dollars..... $31,290.00

For teacher's retirement, eight hundred forty dollars..... $ 840.00

CERTIFICATION DEPARTMENT

FROM THE TEACHER'S CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COMMUNITY HEALTH DIVISION

FROM THE COMMUNITY HEALTH FUND

As much as may be necessary to pay all lawful claims, as pr vided by law.

TEXT BOOK LICENSE DIVISION

FROM THE TEXT BOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

For salaries, fifty-seven thousand five hundred dollars..... $57,500.00

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For capital, repairs and replacements, seven hundred sixty-six dollars ..... $ 766.00

For operation, six thousand five hundred fifteen dollars.. $ 6,515.00

For public employees retirement sysetm, two thousand seven hundred ninety-five dollars and sixty-two cents..... $ 2,795.62

ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

For salaries, sixty-one thousand nine hundred dollars..... $61,900.00

For capital, repairs and replacements, one thousand nine hundred dollars ..... $ 1,900.00

For operation, twenty-one thousand one hundred eighty dollars $21,180.00

For public employees retirement system, four thousand four hundred sixty-four dollars and twenty-four cents..... $ 4,464.24

Section 3. That the following sums or so much thereof as may be found necessary be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1948 and ending June 30, 1949.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

For salaries, seventeen thousand seven hundred dollars.... $17,700.00

For capital, repairs and replacements, sixty-five dollars.... $ 65.00

For operation, two thousand thirty dollars..... $ 2,030.00

For special investigations, two hundred fifty dollars..... $ 250.00

For travel and other incidental expenses, one thousand five hundred dollars..... $ 1,500.00

For requisitions, one thousand dollars..... $ 1,000.00

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GOVERNOR'S MANSION OR HOME

FROM THE GENERAL FUND

For salaries and expenses and other incidentals, four thousand eight hundred eighty dollars.....$ 4,880.00

SECRETARY OF STATE

FROM THE GENERAL FUND

For salaries, seventeen thousand eight hundred dollars.....$17,800.00

For capital, repairs and replacements, one hundred twenty-five dollars .....$ 125.00

For operation, one thousand seven hundred sixty dollars..$ 1,760.00

For salaries and expenses necessary for the conduct of elections, publishing constitutional amendments, initiative and referendum measures, printing and binding election laws, fourteen thousand two hundred twenty-five dollars.....$14,225.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

For salaries, twenty-eight thousand five hundred dollars..$28,500.00

For capital, repairs and replacements, four hundred seventy-five dollars .....$ 475.00

For salary and expense, escheated estates, three thousand dollars .....$ 3,000.00

For operation, one thousand seven hundred sixty dollars..$ 1,760.00

STATE TREASURER

FROM THE GENERAL FUND

For salaries, eighteen thousand three hundred dollars.....$18,300.00

For capital, repairs and replacements, two hundred twenty-five dollars .....$ 225.00

For operation, two thousand thirty dollars.....$ 2,030.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

For salaries, twenty thousand seven hundred dollars.....$20,700.00

For capital, repairs and replacement, three hundred fifty dollars .....$ 350.00

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For operation, four thousand three hundred ninety dollars ..... $ 4,390.00

FROM THE HIGHWAY FUND

For salaries, three thousand five hundred dollars..... $ 3,500.00
For operation, one thousand five hundred dollars..... $ 1,500.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

For salaries, fourteen thousand dollars..... $14,000.00
For capital, repairs and replacements, one hundred twenty-five dollars ..... $ 125.00
For operation, four thousand three hundred seventy dollars ..... $ 4,370.00
For salary and expense, insurance rating, five thousand dollars ..... $ 5,000.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

For salaries, four thousand five hundred dollars..... $ 4,500.00
For operation, five hundred dollars..... $ 500.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

For salaries, nine thousand nine hundred forty-five dollars ..... $ 9,945.00

SUPERINTENDENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For salaries, thirteen thousand four hundred forty dollars $13,440.00
For capital, repairs and replacements, four hundred twenty-five dollars ..... $ 425.00
For operation, six thousand thirty dollars..... $ 6,030.00
For teacher's retirement, one hundred forty dollars..... $ 140.00

SCHOOL SUPERVISORS

FROM THE GENERAL FUND

For salaries, nine thousand six hundred dollars..... $ 9,600.00

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For travel, one thousand eight hundred dollars.....$ 1,800.00
For teacher's retirement, two hundred ten dollars.....$ 210.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, thirty-one thousand two hundred ninety dollars.....$31,290.00
For teacher's retirement, eight hundred forty dollars.....$ 840.00

CERTIFICATION DEPARTMENT

FROM THE TEACHER'S CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COMMUNITY HEALTH DIVISION

FROM THE COMMUNITY HEALTH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXT BOOK LICENSE DIVISION

FROM THE TEXT BOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

For salaries, fifty-seven thousand five hundred dollars.....$57,500.00
For capital, repairs and replacements, four hundred sixty-six dollars .....$ 466.00
For operation, two thousand one hundred eighty-five dollars .....$ 2,185.00

RAILROAD COMMISSION

FROM THE GENERAL FUND

For salaries, sixty-one thousand nine hundred dollars.....$61,900.00
For capital, repairs and replacements, seven hundred seventy-five dollars .....$ 775.00
For operation, eighteen thousand five hundred eighty dollars $18,580.00

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Section 4. It is further provided that in the appropriations for the state treasurer, contained herein, no provision is made for the printing of the treasurer's quarterly report.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in Section 1 of the act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teacher's meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Approved March 10, 1947.

HOUSE BILL NO. 261

An Act to Appropriate Money From the Millage Fund for Improvements At the State College of Agriculture and Mechanic Arts At Bozeman, Said Improvements to Consist of Extension of Electrical, Gas, Water and Sewage Facilities to Veterans Housing Projects On the Campus and Furnish Fire Protection to All Groups of Veteran Housing.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, in the millage fund, not otherwise appropriated, for improvements at the state college of agriculture and mechanic arts at Bozeman. Said improvements are to consist of extension of electrical, water, gas and sewage facilities to and provide for fire protection for veterans housing.

STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS

FROM THE MILLAGE FUND

For the extension of electrical, water, gas and sewage facilities to and provide for fire protection for veterans housing, ten thousand dollars.....$10,000.00

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Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

HOUSE BILL NO. 279

An Act to Appropriate Money From the Common School Equalization Fund of the State for the Purpose of Putting Into Effect Chapter 49 Session Laws of 1941.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated from the common school equalization fund of the state the sum of eight thousand ($8,000.00) dollars for the period beginning July 1, 1947 and ending June 30, 1948, and eight thousand ($8,000.00) dollars for the period beginning July 1, 1948, and ending June 30, 1949, to carry out the purposes set forth in Chapter 49 Session Laws of 1941.

Section 2. All acts and parts of acts in conflict herewith are hereby amended.

Approved March 5, 1947.

HOUSE BILL NO. 280

An Act to Appropriate Money From the University Millage Fund for the purpose of Paying Teachers' Retirement Assessments for the Extension Service and the Experiment Stations for the Biennium Ending June 30, 1947, the Appropriation Made By the Twenty-ninth Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, in the university millage fund, for the purpose of paying teachers' retirement assessments for the biennium ending June 30, 1947, it having been determined that the appropriations made by the twenty-ninth legislative assembly were insufficient.

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FROM THE UNIVERSITY MILLAGE FUND

For the payment of teachers' retirement assessments, eleven thousand four hundred six dollars and ninety-four cents $11,406.94

More particularly itemized as follows:

Extension service,

1945-1946 ..... $4,470.24
1946-1947 ..... $5,650.00

Experiment Stations,

1945-1946 ..... $ 436.70
1946-1947 ..... $ 850.00

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1947.

HOUSE BILL NO. 281

An Act to Appropriate Money for the Purpose of Completing the Hudson Type Men's Dormitory Building On the Campus of the Montana State College of Agriculture and Mechanic Arts At Bozeman and for Assisting and meeting the Principal and Interest Payments Due On the Bond Issue July 1, 1947, It Having Been Found That the Funds Derived From the Bond Issue Were Insufficient to Complete the Building for Occupancy and This Resulting In a Loss of Anticipated Revenue.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of completing the Hudson type men's dormitory building on the campus of the Montana state college of agriculture and mechanic arts at Bozeman and for assisting and meeting the principal and interest payments due on the bond issue July 1, 1947, it having been found that the funds derived from the bond issue were insufficient to complete the building for occupancy and this resulting in a loss of anticipated revenue.

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FROM THE GENERAL FUND

For construction and bond payments, sixty-four thousand five hundred dollars $64,500.00

More particularly itemized as follows:

For inside and outside painting $25,000.00
Completing insulation ..... $ 2,500.00
Roads and walks ..... $ 2,000.00
Interest and bond principal payments $35,000.00

Section 2. WHEREAS, an emergency exists, the above appropriation is hereby declared to be an advance to veterans dormitory revenue bond fund of Montana state college and said sum is to be repaid to the general fund of the state treasury out of said veterans dormitory revenue bond fund, when the bond issue now in existence is retired.

Section 3. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

HOUSE BILL NO. 291

An Act Making Appropriations for the State Public School General Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1947, and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with Chapter 112, Revised Codes of Montana 1935, and any amendatory acts thereto, for the period beginning July 1, 1947, and ending June 30, 1948, the following amount:

FROM THE GENERAL FUND

One million five hundred thousand dollars $1,500,000.00

Section 2. That there is hereby appropriated from the state treasury for the state public school general fund to be distributed in accordance with Chapter 112, Revised Codes of Montana 1935,

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and any amendatory acts thereto, for the period beginning July 1, 1948, and ending June 30, 1949, the following amount:

FROM THE GENERAL FUND

One million five hundred thousand dollars.....$1,500,000.00

Section 3. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 6, 1947.

HOUSE BILL NO. 371

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs In the State Department and In the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning With July 1, 1947 and Terminating With June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of two million eight hundred fifty-nine thousand six hundred sixty dollars ($2,859,660.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1947 and terminating with June 30, 1948.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million three hundred fifty-nine thousand three hundred dollars $1,359,300.00

(b) For aid to needy dependent children, the sum of six hundred fifteen thousand two hundred dollars.....$ 615,200.00

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(c) For aid to needy blind, the sum of ninety thousand one hundred sixty dollars.....$ 90,160.00

(d) For child welfare services, including all state administrative costs, the sum of eighteen thousand five hundred dollars .....$ 18,500.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half the cost of such care the sum of fourteen thousand five hundred dollars.....$ 14,500.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars.....$ 250,000.00

(g) For general relief and contingencies, the sum of eighty thousand five hundred dollars.....$ 80,500.00

(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of three hundred thirty thousand dollars .....$ 330,000.00

(i) For employer's contribution to the public employees' retirement system, the sum of seven thousand five hundred dollars.....$ 7,500.00

(j) For administrative costs of the state department, not otherwise provided for and including advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of ninety-four thousand dollars .....$ 94,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana out of any funds in the state treasury not otherwise appropriated, the sum of two million eight hundred seventy-six thousand six hundred sixty dollars ($2,876,660.00) for public assistance, for administrative costs in the state department and in the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1948, and terminating with June 30, 1949.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts

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appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million three hundred fifty-nine thousand three hundred dollars..$1,359,300.00

(b) For aid to needy dependent children, the sum of six hundred fifteen thousand two hundred dollars.....$ 615,200.00

(c) For aid to needy blind, the sum of ninety thousand one hundred sixty dollars.....$ 90,160.00

(d) For child welfare services, including all state administrative costs, the sum of eighteen thousand five hundred dollars .....$ 18,500.00

(e) For the payment of compensation for keeping dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one-half of the cost of such care the sum of thirty-one thousand five hundred dollars.....$ 31,500.00

(f) For grants to counties to supplement county poor funds, to be apportioned by the state department of public welfare in inverse proportion to the average taxable valuation per capita, with county population, as shown by the 1940 census exclusive of Indians, the sum of two hundred fifty thousand dollars.....$ 250,000.00

(g) For general relief and contingencies, the sum of eighty thousand five hundred dollars.....$ 80,500.00

(h) For payment to persons having silicosis, pursuant to provisions of Chapter 5 of the Session Laws of 1941, and for medical examinations, transportation and other related services, the sum of three hundred thirty thousand dollars .....$ 330,000.00

(i) For employer's contribution to the public employees' retirement system, the sum of seven thousand five hundred dollars .....$ 7,500.00

(j) For administrative costs of the state department, not otherwise provided for and including, advances of the compensation and expenses of the personnel staff attached to county welfare boards, the sum of ninety-four thousand dollars .....$ 94,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1947, and all funds

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which may be received from counties as reimbursements for the purposes for which they are designated and any other funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items, a, b, c, d, e, f, g, h, i, shall be transferred to item "j", administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 10, 1947.

HOUSE BILL NO. 372

An Act to Appropriate Money From the General Fund for the Operation and Maintenance of the Montana State Hospital for the Insane for the Year Ending June 30, 1947. The Appropriations Made By the Twenty-ninth Legislative Assembly Having Been Found to Be Insufficient.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the operation and maintenance of the Montana state hospital for the insane for the year ending June 30, 1947, it having been determined that the appropriations made by the twenty-ninth legislative assembly were insufficient.

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, ninety-one thousand, three hundred five dollars $91,305.00

Section 2. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

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HOUSE BILL NO. 431

An Act to Appropriate Money for the Operation, Maintenance and Other purposes for the Water Conservation Board of the State of Montana, for the Period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purpose hereinafter expressed for the period beginning July 1, 1947 and ending June 30, 1948.

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For salaries and expenses for administrative purposes, sixty-five thousand dollars.....$ 65,000.00

For salaries and expenses for the revolving fund, one one hundred eighty-five thousand dollars.....$185,000.00

For public employees retirement system, fifteen thousand dollars .....$ 15,000.00

In addition to the above appropriations, all moneys paid or to be repaid the water conservation board from any source, by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1948 and ending June 30, 1949.

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For salaries and expenses for administrative purposes, sixty-five thousand dollars .....$ 65,000.00

For salaries and expenses for the revolving fund, one hundred eighty-five thousand dollars.....$185,000.00

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In addition to the above appropriations, all money paid or to be be repaid the water conservation board from any source, by reason of any previous expenditures made by the board from state funds, are hereby appropriated.

Section 3. Appropriations herein above provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 10, 1947.

HOUSE BILL NO. 432

An Act to Appropriate Money for the Operation and Maintenance and Other Purposes Designated Herein for the Several Units of the University of Montana, Known As Montana State University, Montana State College, Experiment Station and Sub-Stations, Extension Service, Montana School of Mines, Montana State Normal College At Dillon, Eastern Montana Normal School At Billings, and Northern Montana College At Havre, and for Student Fare Refunds for the period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above,

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by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the Laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947, and ending June 30, 1948.

FOR THE MONTANA STATE UNIVERSITY
AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, four hundred thirty thousand two hundred eighty-seven dollars.....$430,287.00

For salaries and expenses for the forest conservation experiment station, seven thousand dollars.....$ 7,000.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding ten thousand and seven hundred and fifty dollars.....$ 10,750.00

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For state's contribution to the public employees' retirement system as much as may be necessary, not exceeding fifty-five hundred dollars ..... $ 5,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred and fifty-four thousand dollars $154,000.00
provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred seventy-eight thousand nine hundred sixty-three dollars $178,963.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for purchase of parcels of land, improvements and housing facilities, thirty-three thousand two hundred eighty dollars ..... $ 33,280.00

In addition to the foregoing appropriations, all earnings of the experiment station and all federal funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, three hundred forty-seven thousand one hundred forty-two dollars $347,142.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding twelve thousand dollars ..... $ 12,000.00

For state's contribution to the public employees retirement system as much as may be necessary, not exceeding four thousand dollars ..... $ 4,000.00

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FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for boiler for heating plant, thirty-seven thousand dollars.....$ 37,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred thirty-five thousand dollars.....$135,000.00 provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) one hundred fifty thousand nine hundred seventy-eight dollars.....$150,978.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred seven thousand and two dollars $107,002.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding three thousand and two hundred dollars.....$ 3,200.00

For state's contribution to the public employees retirement system as much as may be necessary, not exceeding three thousand dollars .....$ 3,000.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

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In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), forty-seven thousand and ninety-eight dollars ..... $ 47,098.00

FOR THE EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, eleven thousand four hundred and sixty-two dollars ..... $ 11,462.00

Horticulture branch station, twelve thousand four hundred fourteen dollars ..... $ 12,414.00

Huntley branch station, eleven thousand two hundred forty-eight dollars ..... $ 11,248.00

Central Montana branch station, twelve thousand eight hundred dollars ..... $ 12,800.00

U. S. range livestock experiment station, two thousand five hundred dollars ..... $ 2,500.00

North Montana branch station, nineteen thousand five hundred and seventy-six dollars ..... $ 19,576.00

For state's contribution to public employees retirement system as much as may be necessary, not exceeding two thousand five hundred dollars ..... $ 2,500.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses of the wool laboratory, twenty-seven thousand and five hundred dollars ..... $ 27,500.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for purchase

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of land and land improvement for the Eastern branch station, twenty-five thousand dollars.....$ 25,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for sheep livestock research, ten thousand dollars.....$ 10,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses for the Northwestern Montana branch station, ten thousand dollars.....$ 10,000.0

In addition to the above appropriations, all moneys collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

FOR THE EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-eight thousand eight hundred and seventy-eight dollars .....$ 88,878.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding eight thousand five hundred and five dollars.....$ 8,505.00

For state's contribution to the public employees retirement system, as much as may be necessary, not exceeding one thousand three hundred dollars.....$ 1,300.00

For salaries and expenses sheep livestock specialist.....$ 6,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, three thousand dollars .....$ 3,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

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In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), thirty-nine thousand fifty-seven dollars ..... $ 39,057.00

FOR THE MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-six thousand, five hundred and nineteen dollars..... $ 86,519.00

For state's contribution to the teachers' retirement as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

For the state's contribution to the public employees retirement system as much as may be necessary not exceeding fourteen hundred dollars..... $ 1,400.00

FROM THE GENERAL FUND

There is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections twenty-one thousand dollars ..... $ 21,000.00 provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), thirty-four thousand and eighty-one dollars ..... $ 34,081.00

There is hereby appropriated from the general fund for the purchase of the Lee house surrounded by the campus of the school of mines, six thousand and five hundred dollars ..... $ 6,500.00

In addition to the above appropriations, there is hereby appropriated for the school of mines, all income from land grant, endowments, trust funds, and all federal funds to be used for the purposes for which said funds were received.

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FOR THE BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

FROM THE GENERAL FUND

There is hereby appropriated from the general fund for salaries and expenses, twenty-seven thousand five hundred dollars ..... $ 27,500.00

FOR THE STATE NORMAL COLLEGE AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-four thousand nine hundred and twenty-four dollars..... $ 64,924.00

For state's contribution of teachers' retirement fund, as much as may be necessary, not exceeding fifteen hundred dollars ..... $ 1,500.00

For state's contribution to public employees retirement system fund, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, five thousand dollars..... $ 5,000.00 provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), twenty thousand eight hundred twenty-six dollars ..... $ 20,826.00

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE EASTERN MONTANA NORMAL SCHOOL AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy-six thousand four hundred and ten dollars..... $ 76,410.00

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For state's contribution of teachers' retirement fund, as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

For state's contribution of public employees retirement system fund, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund) thirty-one thousand five hundred and ninety dollars ..... $ 31,590.00

In addition to the above appropriation there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE
FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred four thousand five hundred and fifty-eight dollars $104,558.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

For state's contribution to the public employees retirement fund as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections depos-

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ited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), forty-six thousand four hundred and forty-two dollars ..... $ 46,442.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

FOR STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

Section 3. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1948 and ending June 30, 1949.

FOR THE MONTANA STATE UNIVERSITY
AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, four hundred twenty-five thousand two hundred and eighty-seven dollars..... $425,287.00

For salaries and expenses for the forest conservation experiment station, seven thousand dollars..... $ 7,000.00

For the state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding ten thousand and seven hundred and fifty dollars..... $ 10,750.00

For state's contribution to the public employees retirement system as much as may be necessary, not exceeding five thousand five hundred dollars..... $ 5,500.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and

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expenses, in lieu of fees and collections, one hundred fifty-four thousand dollars.....$154,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred seventy-eight thousand nine hundred sixty-three dollars.....$178,963.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for purchase of parcels of land, five thousand dollars.....$ 5,000.00

In addition to the foregoing appropriations, all earnings of the experiment station and all federal funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

FOR THE MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, three hundred forty-four thousand eight hundred and sixty-seven dollars.....$344,867.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding twelve thousand dollars .....$ 12,000.00

For state's contribution to the public employees retirement system, four thousand dollars.....$ 4,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred thirty-five thousand dollars $135,000.00
provided, however, that no claims shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

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In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), one hundred fifty thousand nine hundred seventy-eight dollars.....$150,978.00

In addition to the foregoing appropriations, there is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

FOR THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred seven thousand and two dollars $107,002.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding three thousand and two hundred dollars.....$ 3,200.00

For state's contribution to the public employees retirement system as much as may be necessary, not exceeding three thousand dollars .....$ 3,000.00

All moneys collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), forty-seven thousand and ninety-eight dollars .....$ 47,098.00

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FOR THE EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Montana grain inspection laboratory, eleven thousand four hundred and sixty-two dollars.....$ 11,462.00

Horticulture branch station, twelve thousand four hundred and fourteen dollars.....$ 12,414.00

Huntley branch station, eleven thousand two hundred and forty-eight dollars.....$ 11,248.00

Central Montana branch station, twelve thousand and eight hundred dollars .....$ 12,800.00

U. S. range livestock experiment station, two thousand five hundred dollars .....$ 2,500.00

North Montana branch station, nineteen thousand five hundred and seventy-six dollars.....$ 19,576.00

For state's contribution to public employees retirement system as much as may be necessary, not exceeding two thousand five hundred dollars.....$ 2,500.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses of the wool laboratory, twenty-seven thousand five hundred dollars .....$ 27,500.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for purchase of land and land improvement, Eastern branch station, fifteen thousand dollars .....$ 15,000.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses for the Northwestern Montana branch station, ten thousand dollars.....$ 10,000.00

In addition to the above appropriations, all moneys collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary for the purpose of paying salaries and expenses, including purchase of land.

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In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

FOR THE EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-eight thousand eight hundred and seventy-eight dollars.....$ 88,878.00

For state's contribution to the teachers' retirement fund, as much as may be necessary, not exceeding eight thousand five hundred and five dollars.....$ 8,505.00

For state's contribution to the public employees retirement system, as much as may be necessary, not exceeding one thousand three hundred dollars.....$ 1,300.00

For salaries and expenses, sheep livestock specialist, six thousand dollars .....$ 6,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the General Fund for salaries and expenses, in lieu of fees and collections, three thousand dollars .....$ 3,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriation there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), thirty-nine thousand fifty-seven dollars .....$ 39,057.00

FOR THE MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, eighty-six thousand five hundred and nineteen dollars.....$ 86,519.00

For state's contribution to the teachers' retirement fund as much as may be necessary not exceeding two thousand dollars .....$ 2,000.00

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For the state's contribution to the public employees retirement system as much as may be necessary not exceeding fourteen hundred dollars.....$ 1,400.00

FROM THE GENERAL FUND

There is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, twenty-one thousand dollars .....$ 21,000.00 provided, however, that no claim shall be paid from this appropriation that would exceed in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), thirty-four thousand eighty-one dollars .....$ 34,081.00

In addition to the above appropriations, there is hereby appropriated for the school of mines, all income from land grant, endowments, trust funds, and all federal funds to be used for the purpose for which said funds were received.

FOR THE BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

FROM THE GENERAL FUND

There is hereby appropriated from the general fund for salaries and expenses, twenty-seven thousand and five hundred dollars .....$ 27,500.00

FOR THE EASTERN MONTANA NORMAL SCHOOL AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, sixty-one thousand, four hundred and twenty-four dollars.....$ 61,424.00

For state's contribution to teachers' retirement fund, as much as may be necessary, not exceeding fifteen hundred dollars .....$ 1,500.00

For state's contribution to public employees' retirement system as much as may be necessary, not exceeding one thousand dollars .....$ 1,000.00

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FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, five thousand dollars ..... $ 5,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriations herein provided.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), twenty thousand eight hundred and twenty-six dollars ..... $ 20,826.00

In addition to the foregoing appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE EASTERN MONTANA NORMAL SCHOOL AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, seventy-one thousand four hundred and ten dollars ..... $ 71,410.00

For state's contribution to teachers' retirement fund, as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

For state's contribution to public employees' retirement system, as much as may be necessary, not exceeding one thousand dollars ..... $ 1,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries

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and expenses (to supplement appropriations from the university millage fund), thirty-one thousand five hundred and ninety dollars ..... $ 31,590.00

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

FOR THE NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred four thousand five hundred and fifty-eight dollars..... $104,558.00

For state's contribution to the teachers' retirement fund as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

For state's contribution to the public employees retirement fund as much as may be necessary, not exceeding two thousand dollars ..... $ 2,000.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that will exceed in the aggregate the fees and collections deposited with the state treasurer in the general fund in that fiscal year, or the appropriation herein provided.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses (to supplement appropriations from the university millage fund), forty-six thousand four hundred and forty-two dollars..... $ 46,442.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

FOR THE STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

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Section 4. The appropriations contained herein shall only be used for the purposes designated, nor shall they be interchangeable and all appropriations provided herein are subject to the definitions appearing in Section 1, of this act. In the event any institution, department, station or service, or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for purposes other than that for which they were received.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings, or gatherings of like character, wherein said meetings are held outside the State of Montana, except by special permission of the state board of examiners obtained in advance.

Approved March 10, 1947.

HOUSE BILL NO. 433

An Act to Appropriate Money for the Operation, Maintenance, and Other Purposes, As Designated Herein for the Veterans' Welfare Commission of the State of Montana, for the Period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purposes of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission, or institution to which the appropriation applies, including the wages of employees paid to temporary employees for work not considered of a continuous nature.

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(3) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(4) The term "expense" means any expense defined above, with the exception of salaries.

(5) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the fund from which they are appropriated.

Section 2. That the following sum or so much thereof as may be found necessary, be and the same is hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947 and ending June 30, 1948.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty thousand dollars $150,000.00

Section 3. That the following sums, or so much thereof as may be found necessary, be and the same is hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1948 and ending June 30, 1949.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, one hundred twenty-five thousand dollars $125,000.00

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and definitions given in Section 1 of this act shall govern all appropriations.

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Section 5. The appropriations herein above provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 10, 1947.

HOUSE BILL NO. 434

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes for the Drivers' Examination Section of the Montana Highway Patrol for the Period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1947 and ending June 30, 1948.

FOR THE DRIVERS' EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries, seventeen thousand and eighty dollars.....$17,080.00

For expenses, forty-two thousand two hundred twenty-five dollars $42,225.00

Section 2. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the period beginning July 1, 1948 and ending June 30, 1949.

FOR THE DRIVERS' EXAMINATION SECTION OF THE MONTANA HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries, twenty-nine thousand two hundred eighty dollars $29,280.00

For expenses, thirty-two thousand one hundred seventy dollars $32,170.00

Section 3. The appropriations herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

HOUSE BILL NO. 435

An Act to Appropriate Money From the General Fund to Complete the Project for Fire Protection for the Montana State Hospital for the Insane, It Having Been Found That the Appropriation Made By the Twenty-ninth Legislative Assembly In House Bill No. 238 Was Insufficient to Complete the Work.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the completion of the fire protection project at the Montana state hospital for the insane, it having been determined that the appropriation made by the twenty-ninth legislative assembly in House Bill No. 238 was insufficient.

MONTANA STATE HOSPITAL FOR THE INSANE

FROM THE GENERAL FUND

Sixteen thousand five hundred and no/100 dollars.....$16,500.00

More particularly itemized as follows:

For completion of fire lines and hydrant installation.....$ 1,000.00
For purchase of a modern 500 gallon per minute pumper..$13,500.00
For remodeling present 100 gallon per minute pumper....$ 500.00
For providing necessary hose, ladders, nozzles, etc. .....$ 1,500.00

Section 2. The appropriations contained herein shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1947.

HOUSE BILL NO. 436

An Act to Appropriate Money for the Purpose of Paying to the Public Employees' Retirement Fund An Amount Equal to Three

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(3%) Per Centum of the Total Compensation of State Employees of the Industrial Accident Board Who Are Members of the Retirement System, During the Biennium Commencing July 1, 1945, and Ending June 30, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying to the public employees' retirement fund an amount equal to three per centum (3%) of the total compensation of state employees in the industrial accident board who are members of the retirement system during the biennium commencing July 1, 1945, and ending June 30, 1947.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

One thousand one hundred sixty-nine and 55/100 dollars....$1,169.55

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1947.

HOUSE BILL NO. 437

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein for All State Departments, Boards, Bureaus, Commissions and Institutions, for the Period Beginning July 1, 1947 and Ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It

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does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees retirement system" means the state contribution to the public employees retirement system and said money is to be used for that purpose and no other.

(9) The appropriation contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

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Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947 and ending June 30, 1948.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, eighty-three thousand six hundred and five dollars.....$ 83,605.00

For poultry disease control, five thousand eight hundred ninety dollars .....$ 5,890.00

For public employees retirement system, six thousand nine hundred thirty-two dollars and sixteen cents.....$ 6932.16

FROM THE LIVESTOCK SANITARY BOARD FUND

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

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FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars.....$ 40,000.00

In addition thereto, there is hereby appropriated all moneys received from the federal government for civilian rehabilitation; provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars.....$ 500.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, five thousand two hundred eighty-five dollars .....$ 5,285.00

For public employees retirement system, one hundred eighty-three dollars and sixty cents .....$ 183.60

BOARD OF HEALTH

FROM THE GENERAL FUND

For salaries, ten thousand dollars.....$ 10,000.00

For capital, repairs and replacements, five hundred dollars .....$ 500.00

For operation, two thousand six hundred ten dollars.....$ 2,610.00

For public employees retirement system, six thousand nine hundred ninety-two dollars and ninety-five cents.....$ 6,992.95

MATERNAL AND CHILD HEALTH

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand eight hundred dollars .....$ 13,800.00

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PURE FOOD DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

SANITARY ENGINEERING

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand five hundred dollars ..... $ 12,500.00

EPIDEMIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars..... $ 8,000.00

For venereal disease control, four thousand dollars..... $ 4,000.00

VITAL STATISTICS

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars..... $ 10,000.00

BACTERIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars..... $ 8,000.00

CRIPPLED CHILDREN AND CHILDREN WITH RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... $ 40,000.00

In addition thereto, there is hereby appropriated, any money that may be received from the federal government to be used as provided in the grant.

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DENTAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

TUBERCULOSIS CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars.. $ 25,000.00

BLOOD BANK

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

COUNTY HEALTH CENTERS

FROM THE GENERAL FUND

For salaries and expenses, eight thousand five hundred dollars ..... $ 8,500.00

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, forty-two thousand six hundred dollars..... $ 42,600.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, sixteen thousand dollars..... $ 16,000.00

For public employees retirement system, two thousand seven hundred sixty-six dollars and twenty-four cents..... $ 2,766.24

PERMANENT REVOLVING FUND

FROM THE GENERAL FUND

One thousand dollars ..... $ 1,000.00

For the purpose of creating a permanent revolving fund to be known as the state examiner's revolving fund. The salaries and expenses of all examinations of the state liquor control board, the public welfare commission, the Montana fish and game department, and of all special examinations of any state office, department or agency shall be paid from this revolving fund, and such state office,

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department or agency shall reimburse said fund in an amount equal to the entire expense incurred in making such examination or examinations, so that this fund may become a peremanent revolving fund for the purpose of meeting the expenses incurred in making special or unusual examination as above set forth.

ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries, nineteen thousand five hundred dollars.....$ 19,500.00

For capital, repairs and replacements, seven hundred twenty-five dollars .....$ 725.00

For operation, seventy-seven thousand eight hundred eighty-five dollars .....$ 77,885.00

For public employees retirement system, one thousand two hundred forty-eight dollars and thirty-one cents.....$ 1,248.31

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, sixteen thousand nine hundred ninety-five dollars .....$ 16,995.00

For public employees retirement system, four hundred thirty-two dollars .....$ 432.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, sixty-six thousand three hundred eighty-eight dollars .....$ 66,388.00

For public employees retirement system, three thousand seven hundred eighty-eight dollars and sixty-four cents.....$ 3,788.64

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

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FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars....$ 350.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses of the state board of education, two thousand three hundred dollars.....$ 2,300.00

FROM THE MILLAGE FUND

For expenses, one thousand six hundred dollars.....$ 1,600.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, two thousand dollars.....$ 2,000.00

VISUAL EDUCATION

FROM THE EQUALIZATION FUND

For salaries and expenses, thirteen thousand five hundred dollars .....$ 13,500.00

For public employees retirement system, three hundred dollars .....$ 300.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, forty-three thousand five hundred dollars.....$ 43,500.00

For public employees retirement system, five hundred dollars .....$ 500.00

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In addition to the foregoing amount, all income from federal funds known as Vocational U. S. Aid Fund, George Dean Fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, seven thousand seven hundred dollars ..... $ 7,700.00

For public employees retirement system, five hundred fifty-seven dollars and eighty-six cents ..... $ 557.86

APICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four thousand four hundred forty-one dollars ..... $ 4,441.00

STATE LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

For salaries of secretary, two thousand seven hundred dollars ..... $ 2,700.00

For salary of assistant, one thousand eight hundred ten dollars ..... $ 1,810.00

For purchase of books, periodicals and binding, five thousand three hundred dollars ..... $ 5,300.00

For supplies, one thousand one hundred forty dollars.... $ 1,140.00

For equipment, seven hundred fifty dollars..... $ 750.00

For travel, eight hundred dollars..... $ 800.00

For public employees retirement system, two hundred sixteen dollars and eight cents..... $ 216.08

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries, four thousand three hundred dollars..... $ 4,300.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, three hundred dollars..... $ 300.00

For legislative reference bureau, seventy-five dollars..... $ 75.00

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For public employees retirement system, three hundred nine dollars and sixty cents.....$ 309.60

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For salaries, four thousand eight hundred dollars.....$ 4,800.00

For capital, repairs and replacements, two thousand one hundred fifty dollars .....$ 2,150.00

For operation, eight hundred eighty dollars.....$ 880.00

For public employees retirement system, three hundred forty-five dollars and sixty cents.....$ 345.60

STATE BOARD OF EXAMINERS AND CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, fifteen thousand five hundred dollars.....$ 15,500.00

For capital, repairs and replacements, five hundred ninety dollars .....$ 590.00

For operation, one thousand and forty dollars.....$ 1,040.00

For public employees retirement system, one thousand one hundred sixteen dollars.....$ 1,116.00

POST-WAR PLANNING AND CONSTRUCTION FUND

For purchase of abstracts, five hundred dollars.....$ 500.00

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For salaries, thirteen thousand five hundred dollars.....$ 13,500.00

For capital, repairs and replacements, three hundred eighty dollars .....$ 380.00

For operation, one thousand six hundred twenty dollars..$ 1,620.00

For public employees retirement system, nine hundred seventy-two dollars .....$ 972.00

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STATE ENGINEER

FROM THE GENERAL FUND

For salaries, six thousand dollars.....$ 6,000.00

For capital, repairs, replacements and operation, two thousand seven hundred dollars.....$ 2,700.00

For public employees retirement system, three thousand and seventeen dollars and sixteen cents.....$ 3,017.16

FROM THE CAREY LAND ACT FUND

For salaries and expenses, all revenue received or to be received, is hereby appropriated for the purpose for which this fund is established.

SURVEY OF INTERSTATE WATERS AND WATER RESOURCES SURVEY

FROM THE GENERAL FUND

For salaries and expenses, thirty-five thousand two hundred fifty dollars .....$ 35,250.00

For survey of international water and water rights, fourteen thousand and fifty dollars.....$ 14,050.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand seven hundred dollars .....$ 17,700.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration on the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission,

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subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For salaries, twenty-seven thousand three hundred sixty dollars ..... $ 27,360.00

For capital, repairs and replacements, four hundred fifty dollars ..... $ 450.00

For operation, four thousand one hundred ninety-five dollars ..... $ 4,195.00

For public employees retirement system, one thousand nine hundred sixty-nine dollars and ninety-two cents..... .... $ 1,969.92

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For salaries and expenses, thirty-six thousand eight hundred dollars ..... $ 36,800.00

For public employees retirement system, one thousand seven hundred twenty dollars and eighty cents..... $ 1,720.80

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law. In addition, thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

CAPITOL BUILDING

FROM THE GENERAL FUND

For salaries, forty thousand five hundred fifty dollars.... $ 40,550.00

For salary of postmaster and assistant, three thousand nine hundred sixty dollars..... $ 3,960.00

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For capital, repairs and replacements, sixteen thousand four hundred fifty dollars.....$ 16,450.00

For air-conditioning senate chamber, eight thousand dollars .....$ 8,000.00

For operation, fifteen thousand dollars.....$ 15,000.00

For salary of substitute for vacation, three hundred thirty dollars .....$ 330.00

For expense of delivering mail, one hundred eighty dollars .....$ 180.00

For public employees retirement system, three thousand two hundred twenty-eight dollars and forty-eight cents.....$ 3,228.48

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For salary of custodian, twelve hundred dollars.....$ 1,200.00

For expenses, two hundred dollars.....$ 200.00

For public employees retirement system, eighty-six dollars and forty cents .....$ 86.40

MILK CONTROL BOARD

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars.....$ 12,000.00

For public employees retirement system, five hundred thirty-seven dollars and twelve cents.....$ 537.12

provided, however, that no claim shall be made from this appropriation which will exceed in aggregate, the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, four thousand five hundred dollars .....$ 4,500.00

For public employees retirement system, two hundred twenty-five dollars .....$ 225.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For salaries and expenses, one hundred sixteen thousand and seventy-three dollars and fourteen cents.....$116,073.14

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For public employees retirement system, six thousand five hundred forty-eight dollars and seventy-nine cents.....$ 6,548.79

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, seventeen thousand seven hundred fourteen dollars and seventy cents.....$ 17,714.70

For public employees retirement system, six hundred sixty-one dollars and fifty-five cents.....$ 661.55

FROM THE HIGHWAY FUND

For salaries and expenses, thirty-four thousand and two dollars and sixteen cents.....$ 34,002.16

For public employees retirement system, nine hundred forty-two dollars and eighty-four cents.....$ 942.84

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATIVE DEPARTMENT

FROM THE GENERAL FUND

For salaries, eight thousand nine hundred dollars.....$ 8,900.00

For capital, repairs and replacements and operation, one thousand eight hundred eighty-five dollars.....$ 1,885.00

For public employees retirement system, ten thousand five hundred twenty-four dollars and six cents.....$ 10,524.06

DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty-two thousand five hundred eighty-five dollars.....$ 32,585.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars.....$ 5,000.00

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GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, one hundred one thousand nine hundred forty dollars $101,940.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seventy-one thousand eight hundred fifteen dollars..... $ 71,815.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars..... $ 6,000.00

LABOR DIVISION

FROM THE GENERAL FUND

For salaries and expenses, fifteen thousand one hundred twenty-five dollars ... $ 15,125.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, two thousand three hundred eighty-five dollars ..... $ 2,385.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four hundred dollars..... $ 400.00

MARKETING RESEARCH DIVISION

FROM THE GENERAL FUND

For salaries and expenses, three thousand dollars..... $ 3,000.00

To be used to match federal funds from Flannagan-Hope Marketing Research Act only.

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the law for which this fund was established.

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It is further provided, that upon request of the commissioner of agriculture, the state board of examiners may transfer amounts of appropriations not needed between the grain, dairy and horticulture divisions, provided the aggregate total is neither increased or decreased.

PURCHASING AGENT

FROM THE GENERAL FUND

For salaries, thirteen thousand five hundred dollars.....$ 13,500.00

For maintenance and repairs of fair grounds, two hundred fifty dollars .....$ 250.000

For public employees retirement system, six hundred sixty-two dollars and forty cents.....$ 662.40

FROM THE HIGHWAY FUND

For salaries and expenses, twelve thousand five hundred twenty-seven dollars and fourteen cents .....$ 12,527.14

For public employees retirement system, nine hundred seventy-two dollars and eighty-six cents.....$ 972.86

FROM FISH AND GAME FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

FROM UNIVERSITY MILLAGE FUND

For salaries and expenses, seven thousand dollars.....$ 7,000.00

STATE FORESTER ADMINISTRATION

FROM THE GENERAL FUND

For salaries, nine thousand eight hundred dollars.....$ 9,800.00

For capital, repairs and replacements, one thousand two hundred sixty dollars.....$ 1,260.00

For operation, one thousand one hundred fifty-five dollars .....$ 1,155.00

For public employees retirement system, two thousand six hundred sixty-five dollars.....$ 2,665.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For salaries and expenses, twenty-one thousand dollars..$ 21,000.00

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TIMBER SALES

FROM THE GENERAL FUND

For salaries and expenses, twenty-two thousand dollars..$ 22,000.00

In addition to the above appropriations for the state forester, there is hereby appropriated all money received from the federal government or trusts to be used for the purposes for which they were provided.

STATE BOARD OF FORESTRY

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

RURAL FIRE FIGHTERS SERVICE

FROM THE GENERAL FUND

For salaries and expenses, one thousand five hundred dollars .....$ 1,500.00

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, fifteen thousand dollars.....$ 15,000.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICKNESS AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

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STATE HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries and expenses, three hundred seventy-four thousand two hundred dollars $374,200.00

For public employees retirement system, eight hundred dollars ..... $ 800.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred fifteen thousand two hundred dollars $115,200.00

For expenses, twelve thousand six hundred dollars..... $ 12,600.00

For public employees retirement system, eight thousand two hundred ninety-four dollars and forty cents..... $ 8,294.40

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, sixty-five thousand dollars..... $ 65,000.00

For public employees retirement system, two thousand three hundred forty dollars..... $ 2,340.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars..... $ 9,000.00

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FIRE INSURANCE

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, fifteen thousand dollars ..... $ 15,000.00

FROM THE MILLAGE FUND

As much as may be necessary to pay premiums for insurance on buildings or institutions for the greater university of Montana, ten thousand dollars..... $ 10,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, two thousand dollars..... $ 2,000.00

FROM THE MOTOR RECORDING FUND

For premiums on insurance for the motor vehicle department, two hundred dollars..... $ 200.00

STATE PARKS

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars..... $ 10,000.00

For public employees retirement system, two hundred sixteen dollars ..... $ 216.00

STATE LIQUOR CONTROL BOARD

The state liquor control board are hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act as provided in Section 2815.153 and 2815.154 Revised Codes of Montana 1935.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 2815.50 Revised Codes of Montana 1935.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection

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of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 3. That the following sums, or so much thereof as may be found necessary be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1948 and ending June 30, 1949.

LIVESTOCK SANITARY BOARD AND VETERINARY SURGEON

FROM THE GENERAL FUND

For salaries and expenses, eighty-three thousand six hundred and five dollars.....$ 83,605.00

For poultry disease control, five thousand eight hundred ninety dollars .....$ 5,890.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For payment of slaughtered stock, as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board as much as may be required when such emergency is declared to exist as provided in Section 2078, Revised Codes of Montana, 1935.

LIVESTOCK COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars..$ 25,000.00

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE BOUNTY FUND

For the payment of bounty claims so much thereof as may be necessary, as provided by law.

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FROM THE STOCK ESTRAY FUND

For the payment of estray claims, so much thereof as may be necessary, as provided by law.

BUREAU OF CIVILIAN REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars.....$ 40,000.00

In addition thereto there is hereby appropriated all moneys received from the federal government for civilian rehabilitation; provided, however, that no administrative salaries shall be increased by reason of the use of this fund.

BOARD OF ENTOMOLOGY

FROM THE GENERAL FUND

For salaries and expenses, five hundred dollars.....$ 500.00

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For salaries and expenses, five thousand two hundred eighty-five dollars .....$ 5,285.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salaries, ten thousand dollars.....$ 10,000.00

For capital, repairs and replacements, five hundred dollars .....$ 500.00

For operation, two thousand six hundred ten dollars.....$ 2,610.00

MATERNAL AND CHILD HEALTH

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand eight hundred dollars .....$ 13,800.00

PURE FOOD DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars .....$ 7,500.00

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SANITARY ENGINEERING

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand five hundred dollars ..... $ 12,500.00

EPIDEMIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars..... $ 8,000.00

For venereal disease control, four thousand dollars..... $ 4,000.00

VITAL STATISTICS

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars..... $ 10,000.00

BACTERIOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

INDUSTRIAL HYGIENE

FROM THE GENERAL FUND

For salaries and expenses, eight thousand dollars..... $ 8,000.00

CRIPPLED CHILDREN AND CHILDREN WITH RHEUMATIC FEVER

FROM THE GENERAL FUND

For salaries and expenses, forty thousand dollars..... $ 40,000.00

In addition thereto, there is hereby appropriated, any money that may be received from the federal government to be used as provided in the grant.

DENTAL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hundred dollars ..... $ 7,500.00

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TUBERCULOSIS CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, twenty-five thousand dollars ..... $ 25,000.00

BLOOD BANK

FROM THE GENERAL FUND

For salaries and expenses, seven thousand five hunderd dollars ..... $ 7,500.00

COUNTY HEALTH CENTERS

FROM THE GENERAL FUND

For salaries and expenses, eight thousand five hundred dollars ..... $ 8,500.00

STATE EXAMINER

FROM THE GENERAL FUND

For salaries, forty-two thousand six hundred dollars..... $ 42,600.00

For capital, repairs and replacements, three hundred dollars ..... $ 300.00

For operation, sixteen thousand dollars..... $ 16,000.00

ADJUTANT GENERAL

FROM THE GENERAL FUND

For salaries, twenty-one thousand three hundred fifty dollars ..... $ 21,350.00

For capital, repairs and replacements, seven hundred twenty-five dollars ..... $ 725.00

For operation, seventy-eight thousand nine hundred sixty-three dollars and fifty cents..... $ 78,963.50

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

For salaries and expenses, sixteen thousand nine hundred ninety-five dollars ..... $ 16,995.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims as provided by law.

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INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, sixty-six thousand three hundred eighty-eight dollars ..... $ 66,388.00

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

In addition to the above appropriation, there is hereby appropriated all fees and collections accruing to the industrial administrative fund for salaries and expenses as provided by law.

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION

For administrative expenses as much as may be necessary, as provided by law. For disability claims as much as may be necessary as provided by law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

For salaries and expenses, three hundred fifty dollars..... $ 350.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses of the state board of education, two thousand three hundred dollars..... $ 2,300.00

FROM THE MILLAGE FUND

For expenses, one thousand six hundred dollars..... $ 1,600.00

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salary of one clerk, two thousand dollars..... $ 2,000.00

VISUAL EDUCATION

FROM THE EQUALIZATION FUND

For salaries and expenses, thirteen thousand five hundred dollars ..... $ 13,500.00

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VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses in connection with vocational education, forty-three thousand five hundred dollars.....$ 43,500.00

In addition to the foregoing amount all income from federal funds known as Vocational U. S. Aid Fund, George Dean Fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriation.

STATE ENTOMOLOGIST

FROM THE GENERAL FUND

For salaries and expenses, six thousand seven hundred dollars .....$ 6,700.00

APICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four thousand four hundred twenty dollars .....$ 4,420.00

STATE LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

For salary of secretary, two thousand nine hundred dollars .....$ 2,900.00

For salary of assistant, one thousand eight hundred seventy dollars .....$ 1,870.00

For purchase of books, periodicals and binding, five thousand three hundred fifty dollars.....$ 5,350.00

For supplies, one thousand one hundred forty dollars....$ 1,140.00

For equipment, seven hundred fifty dollars.....$ 750.00

For travel, eight hundred dollars .....$ 800.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

For salaries, four thousand three hundred dollars.....$ 4,300.00

For capital, repairs and replacements, two hundred dollars .....$ 200.00

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For operation, three hundred dollars.....$ 300.00
For legislative reference bureau, seventy-five dollars.....$ 75.00

FROM THE LAW LIBRARY BOOK FUND

So much thereof as may be necessary for the purchase of law books, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For salaries, four thousand eight hundred dollars.....$ 4,800.00
For capital, repairs and replacements, two thousand one hundred fifty dollars .....$ 2,150.00
For operation, eight hundred eighty dollars.....$ 880.00

STATE BOARD OF EXAMINERS AND CONSOLIDATED BOARDS

FROM THE GENERAL FUND

For salaries, fifteen thousand five hundred dollars.....$ 15,500.00
For capital, repairs and replacements, three hundred ninety dollars .....$ 390.00
For operation, one thousand and fifty-five dollars.....$ 1,055.00

STATE ACCOUNTANT AND BUDGET OFFICE

FROM THE GENERAL FUND

For salaries, thirteen thousand five hundred dollars.....$ 13,500.00
For capital, repairs and replacements, two hundred dollars .....$ 200.00
For operation, five thousand one hundred twenty dollars .....$ 5,120.00

STATE ENGINEER

FROM THE GENERAL FUND

For salaries, six thousand dollars.....$ 6,000.00
For capital, repairs, replacements and operation, two thousand seven hundred dollars.....$ 2,700.00

FROM THE CAREY LAND ACT FUND

For salaries and expenses, all revenue received or to be received,

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is hereby appropriated for the purpose for which this fund is established.

SURVEY OF INTERSTATE WATERS AND WATER RESOURCES SURVEY

FROM THE GENERAL FUND

For salaries and expenses, thirty-five thousand two hundred fifty dollars ..... $ 35,250.00

For survey of international water and water rights, three thousand nine hundred dollars ..... $ 3,900.00

STREAM GAUGING

FROM THE GENERAL FUND

For salaries and expenses, seventeen thousand seven hundred dollars ..... $ 17,700.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration on the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further, that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the state highway commission, subject to the approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said moneys may be expended and drawn from the said state highway trust fund in the manner as other moneys in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for highway purposes.

COMMISSIONER OF STATE LANDS AND INVESTMENTS

FROM THE GENERAL FUND

For salaries, twenty-seven thousand three hundred sixty dollars ..... $ 27,360.00

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For capital, repairs and replacements, eight hundred fifty dollars ..... $ 850.00

For operation, four thousand and ninety-five dollars..... $ 4,095.00

CHIEF FIELD AGENT

FROM THE GENERAL FUND

For salaries and expenses, thirty-six thousand eight hundred dollars ..... $ 36,800.00

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

CAPITOL BUILDING

FROM THE GENERAL FUND

For salaries, forty thousand five hundred fifty dollars.... $ 40,550.00

For salary of postmaster and assistant, three thousand nine hundred sixty dollars..... $ 3,960.00

For capital, repairs and replacements, ten thousand four hundred fifty dollars ..... $ 10,450.00

For operation, fifteen thousand dollars..... $ 15,000.00

For salary of substitute for vacation, three hundred thirty dollars ..... $ 330.00

For expense of delivering mail, one hundred eighty dollars ..... $ 180.00

G. A. R. CUSTODIAN

FROM THE GENERAL FUND

For salary of custodian, twelve hundred dollars..... $ 1,200.00

MILK CONTROL BOARD

FROM THE GENERAL FUND

For salaries and expenses, twelve thousand dollars..... $ 12,000.00 provided, however, that no claims shall be made from this appropriation which will exceed in aggregate, the fees and collections

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deposited with the state treasurer to the credit of the general fund for that fiscal year or the appropriation herein provided.

MONTANA POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

For salaries and expenses, four thousand five hundred dollars ..... $ 4,500.00

BOARD OF EQUALIZATION

FROM THE GENERAL FUND

For salaries and expenses, one hundred sixteen thousand six hundred eighty-five dollars and seventy-five cents..... $116,685.75

FROM THE COMMON SCHOOL EQUALIZATION FUND

For salaries and expenses, eighteen thousand three hundred seventy-six dollars and twenty-five cents..... $ 18,376.25

FROM THE HIGHWAY FUND

For salaries and expenses, thirty-four thousand nine hundred forty-five dollars..... $ 34,945.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, as much as may be necessary to comply with the provisions of the law.

DEPARTMENT OF AGRICULTURE, LABOR AND INDUSTRY ADMINISTRATIVE DEPARTMENT

FROM THE GENERAL FUND

For salaries, eight thousand nine hundred dollars..... $ 8,900.00

For capital, repairs, replacements and operation, one thousand five hundred sixty dollars..... $ 1,560.00

DAIRY DIVISION

FROM THE GENERAL FUND

For salaries and expenses, thirty-two thousand five hundred eighty-five dollars .. .. $ 32,585.00

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RUST CONTROL DIVISION

FROM THE GENERAL FUND

For salaries and expenses, five thousand dollars.....$ 5,000.00

GRAIN GRADING AND SCALE TESTING DIVISION

FROM THE GENERAL FUND

For salaries and expenses, ninety-three thousand two hundred eighty-five dollars .....$ 93,285.00

HORTICULTURE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, seventy-one thousand four hundred ninety dollars .....$ 71,490.00

FROM THE HIGHWAY FUND

For salaries and expenses, six thousand dollars.....$ 6,000.00

LABOR DIVISION

FROM THE GENERAL FUND

For salaries and expenses, fourteen thousand eight hundred twenty-five dollars .....$ 14,825.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and expenses, two thousand three hundred ten dollars .....$ 2,310.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

For salaries and expenses, four hundred dollars.....$ 400.00

MARKETING RESEARCH DIVISION

FROM THE GENERAL FUND

For salaries and expenses, three thousand dollars.....$ 3,000.00

To be used to match federal funds from Flannagan-Hope Marketing Research Act only.

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COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the law for which this fund was established.

It is further provided, that upon request of the commissioner of agriculture, the state board of examiners may transfer amounts of appropriations not needed between the grain, dairy and horticulture divisions, provided the aggregate total is neither increased or decreased.

PURCHASING AGENT

FROM THE GENERAL FUND

For salaries, thirteen thousand five hundred dollars.....$ 13,500.00

For maintenance and repairs of fair grounds, two hundred fifty dollars .....$ 250.00

FROM THE HIGHWAY FUND

For salaries and expenses, thirteen thousand five hundred dollars .....$ 13,500.00

FROM FISH AND GAME FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

FROM UNIVERSITY MILLAGE FUND

For salaries and expenses, seven thousand dollars.....$ 7,000.00

STATE FORESTER ADMINISTRATION

FROM THE GENERAL FUND

For salaries, nine thousand eight hundred dollars.....$ 9,800.00

For capital, repairs and replacements, one thousand two hundred sixty dollars .....$ 1,260.00

For operation, one thousand one hundred fifty-five dollars .....$ 1,155.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

For salaries and expenses, twenty-one thousand dollars....$ 21,000.00

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TIMBER SALES

FROM THE GENERAL FUND

For salaries and expenses, twenty-two thousand dollars..$ 22,000.00

In addition to the above appropriation for the state forester, there is hereby appropriated all money received from the federal government or trusts to be used for the purposes for which they were provided.

STATE BOARD OF FORESTRY

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

RURAL FIRE FIGHTERS SERVICE

FROM THE GENERAL FUND

For salaries and expenses, one thousand five hundred dollars .....$ 1,500.00

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

For salaries and expenses, one thousand dollars.....$ 1,000.00

UNEMPLOYMENT COMPENSATION COMMISSION OF MONTANA

FROM THE GENERAL FUND

For administrative salaries and expenses and for implementing the purpose of Section 11-B of Montana unemployment compensation law in opposing federalization, fifteen thousand dollars .....$ 15,000.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICKNESS AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

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STATE HIGHWAY PATROL

FROM THE GENERAL FUND

For salaries and expenses, three hundred seventy-five thousand dollars $375,000.00

MOTOR VEHICLE DEPARTMENT

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, so much thereof as may be necessary to pay all lawful claims as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, one hundred fifteen thousand two hundred dollars $115,200.00

For expenses, twelve thousand six hundred dollars..... $ 12,600.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

For salaries, sixty-five thousand dollars..... $ 65,000.00

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, nine thousand dollars..... $ 9,000.00

FIRE INSURANCE

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, forty-five thousand dollars ..... $ 45,000.00

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FROM THE MILLAGE FUND

As much as may be necessary to pay premiums for insurance on buildings or institutions for the greater university of Montana, forty thousand dollars.....$ 40,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, ten thousand dollars .....$ 10,000.00

FROM THE MOTOR RECORDING FUND

For premiums on insurance for the motor vehicle department, five hundred dollars.....$ 500.00

STATE PARKS

FROM THE GENERAL FUND

For salaries and expenses, ten thousand dollars.....$ 10,000.00

STATE LIQUOR CONTROL BOARD

The state liquor control board are hereby authorized to pay all lawful claims from the moneys received from the sale of liquor in the administration of the liquor control act, as provided in Section 2815.153 and 2815.154 Revised Codes of Montana 1935.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in Section 2815.50 Revised Codes of Montana 1935.

REGULATORY BOARDS

All regulatory boards for which the law provides for a collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

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Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to moneys from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Approved March 10, 1947.

HOUSE BILL NO. 438

An Act to Appropriate Money to Pay a Claim Incurred By the Committee Created By Chapter 154, Laws of 1945, to Make a Study of Montana Public Elementary and Secondary School System.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying a claim for legal services rendered and expenses incurred in preparing proposed legislative bills for the Montana public elementary and secondary school system committee and the state board of examiners is directed to approve and pay said claim.

FROM THE GENERAL FUND

John W. Chapman, Esq., two thousand dollars.....$2,000.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1947.

HOUSE BILL NO. 439

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, As Designated Herein, for Certain State Institu-

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tions, for the Period Beginning July 1, 1947 and ending June 30, 1949.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation".

(2) The term "capital", unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees retirement system" means the state contribution to the public employees retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the

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appropriation is provided. All claims for such expenditures must be presented for payment not later than thirty (30) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947, and ending June 30, 1948.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

For salaries and expenses, eighty-six thousand three hundred twenty dollars ..... $ 86,320.00

For purchase or construction of residence for the president of the school for the deaf and blind, subject to the approval of the state board of examiners, ten thousand dollars ..... $ 10,000.00

For public employees retirement system, one thousand six hundred sixty dollars and thirty-two cents..... $ 1,660.32

In addition to the above appropriation there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For salaries and expenses, one hundred sixty-four thousand one hundred nineteen dollars and fifty cents..... $164,119.50

For public employees retirement system, four thousand eight hundred and five dollars and ninety-three cents..... $ 4,805.93

In addition to the above appropriations all trust funds are hereby appropriated for the purposes for which said funds are received.

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STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, ninety-two thousand two hundred sixty-two dollars ..... $ 92,262.00

For public employees retirement system, two thousand nine hundred ninety dollars and eight-eight cents..... $ 2,990.88

In addition to the above appropriations all income from land grants and trust funds which may be received are hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For salaries and expenses, sixty-six thousand seven hundres eighty dollars ..... $ 66,780.00

For roof repairs on Cottage No. 3, four thousand three hundred fifty dollars ..... $ 4,350.00

For public employees retirement system, one thousand nine hundred forty-two dollars and fifty-six cents..... $ 1,942.56

In addition to the above appropriations all trust funds which may be received by the institution are hereby appropriated.

STATE PRISON

FROM THE GENERAL FUND

For salaries and expenses, one hundred ninety-one thousand five hundred eighty-five dollars and sixty-two cents..$191,585.62

In addition thereto there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars ..... $ 30,000.00

provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salary of bandmaster and general instructor, two thousand dollars ..... $ 2,000.00

For salaries and expenses of the bureau of identification, four thousand two hundred thirty-six dollars and forty cents ..... $ 4,236.40

For public employees retirement system, six thousand six hundred and eight dollars and thirty-five cents..... $ 6,608.35

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In addition to the above all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

For salaries and expenses, three thousand one hundred fourteen dollars ..... $ 3,114.00

For public employees retirement system, one hundred eight dollars ..... $ 108.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, nine hundred fifty-five thousand four hundred and two dollars $955,402.00

For salaries and expenses of the mental hygiene department, twenty-five thousand dollars ..... $ 25,000.00

For public employees retirement system, thirty-one thousand four hundred seventy-five dollars and fifty-two cents ..... $ 31,475.52

In addition all trust funds are hereby appropriated subject to statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For salaries and expenses, three hundred seventy-seven thousand one hundred thirty-six dollars $377,136.00

For public employees retirement system, twelve thousand nine hundred and six dollars ..... $ 12,906.00

In addition all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For salaries and expenses, fifty-one thousand and ten dollars ..... $ 51,010.00

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For public employees retirement system, two thousand two hundred fifty dollars ..... $ 2,250.00

In addition to the above appropriations all moneys received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, two hundred forty-two thousand six hundred sixty-seven dollars and fifty cents..... $242,667.50

For public employees retirement system, seven thousand one hundred twenty-eight dollars and ninety cents..... $ 7,128.90

In addition all trust funds are hereby appropriated subject to all statutory provisions.

Section 3. That the following sums or so much thereof as may be found necessary, be and the same are hereby appropriated out of any moneys in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1948 and ending June 30, 1949.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

For salaries and expenses, eighty-six thousand three hundred twenty dollars ..... $ 86,320.00

In addition to the above appropriation there is hereby appropriated all income from land grants and any trust fund which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

For salaries and expenses, one hundred fifty-five thousand four hundred dollars and ten cents..... $155,400.10

In addition to the above appropriations all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, ninety-two thousand two hundred sixty-two dollars..... $ 92,262.00

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In addition to the above appropriations all income from land grants and trust funds which may be received are hereby appropriated, subject to all statutory provisions and obligations of any outstanding bond issues.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

For salaries and expenses, sixty thousand eight hundred and five dollars ..... $ 60,805.00

In addition to the above appropriation all trust funds which may be received by the institution are hereby appropriated.

STATE PRISON

FROM THE GENERAL FUND

For salaries and expenses, one hundred ninety-one thousand five hundred eighty-five dollars and sixty-two cents $191,585.62

In addition thereto there is hereby appropriated for salaries and expenses, in lieu of earnings, thirty thousand dollars ..... $ 30,000.00

provided, however, that the board of examiners may not authorize claims from this appropriation that exceed in the aggregate the amount of earnings deposited with the state treasurer to the credit of the general fund for that fiscal year.

For salary of bandmaster and general instructor, two thousand dollars ..... $ 2,000.00

For salaries and expenses of the bureau of identification, three thousand eight hundred eighty-six dollars and forty cents ..... $ 3,886.40

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

For salaries and expenses, three thousand one hundred fourteen dollars ..... $ 3,114.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

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STATE HOSPITAL

FROM THE GENERAL FUND

For salaries and expenses, one million and six thousand three hundred forty-eight dollars $1,006,348.00

For salaries and expenses of the mental hygiene department, twenty-five thousand dollars ..... $ 25,000.00

In addition all trust funds are hereby appropriated subject to statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

For salaries and expenses, three hundred seventy-six thousand nine hundred thirty-six dollars $376,936.00

In addition all trust funds are hereby appropriated subject to all statutory provisions.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

For salaries and expenses, fifty thousand seven hundred sixty dollars ..... $ 50,760.00

In addition to the above appropriations all moneys received from federal assistance and income from land grants are hereby appropriated.

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

For salaries and expenses, two hundred thirty-seven thousand six hundred sixty-seven dollars and fifty cents.... $237,667.50

In addition all trust funds are hereby appropriated subject to all statutory provisions.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in Section 1 of this act shall govern all appropriations.

Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of

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the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on their minutes the reasons for their permission.

Section 6. It is further provided that the state's contribution for the teachers' retirement fund, for teachers coming under the retirement law, is contained in the appropriations for salaries and expenses of the institutions affected and said contribution is hereby authorized to be paid, in the same manner as all other claims, from such appropriations.

Section 7. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriation from the general fund.

Approved March 10, 1947.

HOUSE BILL NO. 440

An Act to Appropriate Money From the General Fund to Supplement Appropriations Heretofore Made to Construct Buildings At Northern Montana College and Eastern Montana State Normal School.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1947, and ending June 30, 1949:

NORTHERN MONTANA COLLEGE, HAVRE

FROM THE GENERAL FUND

To supplement appropriations heretofore made to construct main building, two hundred thousand dollars.....$200,000.00

EASTERN MONTANA STATE NORMAL SCHOOL, BILLINGS

FROM THE GENERAL FUND

To supplement appropriations heretofore made to construct science building, one hundred fifty thousand dollars $150,000.00

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Section 2. The appropriations herein provided for shall not be used before January 1, 1948, and must be used for the purposes designated.

Section 3. The appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 10, 1947.

HOUSE JOINT MEMORIAL NO. 1

A Memorial to the Congress of the United States of America, to the Secretary of Agriculture, and to the Director of the Federal Housing Administration, Requesting the Continuance and Extension of the Access Road Program for the National Forests and That Sufficient Funds Be Appropriated and Allotted Therefor.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, There now exists a serious bottleneck in Montana lumber production of saw timber because of an inadequate supply of logs made available to the small sawmill operators of the State of Montana; most of the useful and accessible timber within the state has been cut, and access to the stands of timber, remaining in the mountains within the boundaries of the national forest, through the building of truck roads is the only way to maintain the log supply for the next twenty or thirty years; and

WHEREAS, Stands of virgin timber within the boundaries of the national forests contain wholly mature and over-mature trees, the cutting of which would benefit future growth; all merchantable stands of timber within the national forests should be made accessible by a system of permanent roads in order that there may be frequent cuttings for the sake of increased forest growth; and

WHEREAS, the continuance of the program for construction of access roads will facilitate the advancement of such worthy projects which will benefit the people of the State of Montana and the public generally, as (1) the protection of the forests from fire, (2) the handling of livestock grazing in the national forests, (3) the use of the forests for recreational purposes, (4) the development of water resources within the forests, and (5) increased production of sawed timber available for housing.

NOW, THEREFORE, BE IT RESOLVED: That the house of representatives of the thirtieth legislative assembly of the State of

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Montana, the senate of said assembly concurring, does most respectfully urge the congress of the United States that the said congress cause necessary action to be initiated by the various administering departments and make the necessary appropriations to provide for the continuance and extension of the construction of access truck roads to make accessible to the sawmill operators and the people of the State of Montana generally, useful stands of timber within the boundaries of the national forests, for the purposes aforementioned.

BE IT FURTHER RESOLVED: That the secretary of state of the State of Montana be authorized, and he is hereby directed, to immediately forward copies of this memorial to the Honorable Clinton S. Anderson, secretary of agriculture, to the Honorable Raymond Foley, director of the federal housing administration, to the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators, to the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, United States representatives in congress for the State of Montana, and to the resolution committee for the annual convention of the Montana Farmers Educational and Co-operative Union.

Approved February 3, 1947.

HOUSE JOINT MEMORIAL NO. 2

A Joint Memorial to the Secretary of the Interior of the United States of America, to the Director of National Parks of the United States of America and to the Director of the United States Public Roads Administration, Requesting That Sufficient and Proper Appropriations Be Provided for the Reconstruction, Repair and Maintenance of That Portion of U. S. Highway Number 191, Lying Within the Boundaries of the Yellowstone National Park.

To the Honorable Secretary of Interior of the United States of America, the Honorable Director of National Parks of the United States of America, and the Honorable Director of the United States Public Roads Administration:

WHEREAS, U. S. Highway Number 191, a tributary to U. S. Highway Number 10, is a main public highway running north through the states of Utah and Idaho into the State of Montana; and

WHEREAS, U. S. Highway Number 191 is the western approach to Yellowstone national park, is one of the most scenic routes to Yellowstone national park and that the western entrance to Yellowstone national park at west Yellowstone, Montana, which this high-

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way serves, is shown by statistics of the national park service to be the most utilized entrance to Yellowstone national park; and

WHEREAS, U. S. Highway Number 191 carries a greater amount of traffic north from Salt Lake City, Utah, through the states of Utah and Idaho into the State of Montana, than any other highway now in existence and is one of the chief tributaries of U. S. Highway Number 10; and

WHEREAS, U. S. Highway Number 191 is the shortest route for the transportation of petroleum products from the refineries of eastern Montana to points of distribution in the states of Idaho and Utah; and

WHEREAS, the portion of U. S. Highway Number 191 between Bozeman, Montana and West Yellowstone, Montana, serves two U. S. postal routes, one from Bozeman, Montana, to West Yellowstone, Montana, and one from Gallatin Gateway, Montana, serving the residents of the Gallatin Canyon area; and

WHEREAS, U. S. Highway Number 191 is the only all weather highway from Bozeman, Montana to West Yellowstone, Montana and which is kept open for traffic in the winter months by the Montana highway commission at no expense to the federal government; and

WHEREAS, approximately twenty-one miles of Highway Number 191 is within the boundaries of Yellowstone national park; and

WHEREAS, the aforesaid portion of Highway Number 191 is in a serious and ever increasing state of disrepair, making the use thereof by the traveling public hazardous and undesirable;

BE IT RESOLVED, by the house of representatives of the State of Montana, the senate concurring,

THAT the secretary of the interior of the United States, the director of the national parks of the United States, and the director of the United States public roads administration be hereby respectfully requested to take the necessary steps toward securing necessary and proper appropriations for the reconstruction, repair and maintenance of that portion of the U. S. Highway Number 191 lying within the boundaries of Yellowstone national park, and

THAT a copy of this Memorial be sent to the Honorable Governor Sam C. Ford of the State of Montana, to W. W. Lynch, district engineer of U. S. public roads administration, Portland, Oregon, L. Martin, district no. 1, Missoula, Montana, to the superintendent of Yellowstone national park, to A. F. Winkler, chairman of the Montana state highway commission, and to the senators and repre-

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sentatives of Montana in congress, Senator Zales N. Ecton and Senator James E. Murray and Representative Wesley A. D'Ewart and Representative Mike Mansfield.

Approved February 3, 1947.

HOUSE JOINT MEMORIAL NO. 4

A Joint Memorial to the President and Congress of the United States Requesting the Introduction and Enactment of Appropriate Legislation Authorizing the Immediate Redemption of Bonds Issued to the Enlisted Members of the Armed Forces for Accumulated Leave Pay Under the Terms of the "Armed Forces Leave Act of 1946."

To the President of the United States and to the Honorable Senate and House of Representatives of the United States In Congress Assembled and to the Honorable James E. Murray, the Honorable Zales N. Ecton, the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart:

WHEREAS, the avowed purpose of the "Armed Forces Leave Act of 1946" is to grant equal treatment in the matter of leave to all personnel of the Armed Forces; and

WHEREAS, under the terms of that act commissioned officers continue to receive compensation for accumulated leave in cash while enlisted personnel receive only a fraction of their accumulated leave pay in cash and the balance in bonds which are non-negotiable and payable only after five (5) years from the date of issuance; and

WHEREAS, the need of former enlisted members of the Armed Forces for immediate compensation for accumulated leave in cash is, in most cases, greater than that of commissioned officers in order to assist such members in the trying period of readjustment to civilian life, therefore justice and fairness requires that such enlisted members should have the benefit of immediate payments under the terms of the "Armed Forces Leave Act of 1946"; and

WHEREAS, a consideration of the equities and a balancing of alleged inflationary effects of such payments against the very urgent need of enlisted personnel for such compensation immediately demonstrates that enlisted personnel are entitled to prompt cash payment for all accumulated leave.

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirtieth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress

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of the United States to enact proper legislation providing for the immediate redemption of all bonds issued under the terms of the "Armed Forces Leave Act of 1946" in cash, and that all future payments under the terms of such act be made in cash.

BE IT FURTHER RESOLVED, That copies of this memorial be forwarded by the chief clerk of the house of representatives, to the President of the United States, to the President Pro Tempore of the senate of the United States, to the speaker of the house of representatives of the United States, and to the Honorable James E. Murray and Zales N. Ecton, senators from Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, representatives in congress from Montana.

Approved February 8, 1947.

HOUSE JOINT MEMORIAL NO. 5

A Joint Memorial to the Secretary of the Interior of the United States of America, to the Director of the National Park Service of the United States of America and Senator James E. Murray, Senator Zales N. Ecton, the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, Requesting Sufficient and Proper Appropriation to Provide for Certain Sum of Money to Be Used for Snow Removal for Winter Travel Over That Portion of the Highway In Yellowstone National Park, Connecting United States Highway 89 and 191, a Distance of 49 Miles, From Mammoth Hot Springs to West Yellowstone, Montana.

WHEREAS, The road across Yellowstone national park connecting United States Highway 89 and 191 gives winter tourists through the northwest access to a scenic drive through Yellowstone national park; and

WHEREAS, This 49 miles of road now closed to travel during the winter months does not represent difficult snow removal conditions; and

WHEREAS, The National Park Service has adequate machinery to enable them to satisfactorily maintain this road for year-around travel; and

WHEREAS, The National Park Service is confronted with an expensive snow removal each spring which would be avoided by keeping the road open during the winter months; and

WHEREAS, Maintaining this road and keeping the snow removed during the winter months would permit thousands of tourists to

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visit the Yellowstone national park during the winter months, providing them an opportunity to view the scenic array of winter splendor and wild game.

THEREFORE, BE IT RESOLVED That the house of representatives of the thirtieth legislative assembly of the State of Montana, the senate of said assembly concurring does most respectfully request that the secretary of the interior of the United States of America and the director of the national Park Service of the United States of America take necessary steps toward securing the necessary and proper appropriations for the maintenance and removal of snow on this highway during the winter months; and

That a copy of this memorial be sent to the senators and representatives of Montana in Congress, Senators James E. Murray and Zales N. Ecton and Representatives Mike Mansfield and Wesley A. D'Ewart.

Approved March 5, 1947.

HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial of the House of Representatives and the Senate of the State of Montana, to the Congress of the United States, to the Honorable United States Senators James E. Murray and Zales N. Ecton, and to the Honorable Representatives In Congress Mike Mansfield and Wesley A. D'Ewart, Relating to a Constitutional Convention for the Purpose of Limiting the Tenure of Any President to Two Terms.

WHEREAS, Prior to 1940, it was the tradition in this Republic that the President of the United States should not serve for more than two terms; and

WHEREAS, During this 150-year-old tradition no President of the United States prior to 1940 had in fact ever served more than two terms; and

WHEREAS, Many citizens in this country consider that such tradition should be made permanent in our fundamental law in order to preserve the ideals and basic principles upon which our democratic government was founded; and

WHEREAS, The precedent set in 1940 may lead in the future to further violations of this time-honored tradition unless restriction is written into the Constitution; and

WHEREAS, A number of states have already adopted resolutions requesting congress to call a convention for the purpose of propos-

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ing a constitutional restriction and many other states will no doubt take similar action;

NOW, THEREFORE, BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That this legislature respectfully petition the congress of the United States to call a constitutional convention at which an amendment to the Constitution of the United States shall be proposed limiting and restricting the tenure of the President to two terms.

BE IT FURTHER RESOLVED, That immediately upon passage, a copy of this memorial be forwarded to the Honorable James E. Murray and the Honorable Zales N. Ecton, senators from the State of Montana, by airmail.

Approved February 28, 1947.

HOUSE JOINT MEMORIAL NO. 8

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, the Honorable Clinton P. Anderson, Secretary of Agriculture, Honorable J. A. Krug, Secretary of the Interior, Honorable James E. Murray and the Honorable Zales N. Ecton, United States Senators From Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, Representatives From Montana, for An Act of Congress or Such Other Authority As May Me Necessary to Allow Veterans of World War II Just Concluded, to Acquire Submarginal Lands From the Department of Agriculture or the Department of the Interior Which Have Been Acquired Under An Act of Congress Dated July 22, 1937 Known As Chapter 517 Title III Section 32 (50 Stat. 525-526).

WHEREAS, under an Act of Congress dated July 22, 1937, known as Chapter 517 Title III, Section 31 (50 Stat. 525-526) the secretary of agriculture acquired enormous acreages of land in Montana designated as submarginal lands to develop a program of land conservation and land utilization; and

WHEREAS, a great amount of these tremendous acreages of land have been acquired on Indian Reservations in Montana from the secretary of the interior of the United States; and

WHEREAS, it is the considered judgment of your memorializers that a great portion of the lands so acquired by the secretary of agriculture are not necessarily submarginal lands but are good agricultural lands which may be utilized for agricultural purposes in Montana to good advantage; and

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WHEREAS, veterans of World War II, just concluded, are now returning to Montana and are unable to acquire agricultural lands in Montana, particularly those owned by the United States under an Act of Congress referred to above; and

WHEREAS, it would be of great advantage to the people of Montana as well as to the veterans of World War II that such veterans be afforded an opportunity of acquiring such lands in economic units.

NOW, THEREFORE, BE IT RESOLVED, by the house of representatives, the senate concurring, that the Montana legislative assembly urges the congress of the United States to enact such legislation as shall enable veterans of World War II to acquire in economic units agricultural lands owned by the United States government under the submarginal program referred to above at valuations not to exceed what the United States government has paid for such lands.

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted to the Honorable Clinton P. Anderson, secretary of agriculture, Honorable J. A. Krug, secretary of the interior, Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators from Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives from Montana.

Approved March 6, 1947.

HOUSE JOINT MEMORIAL NO. 9

A Joint Memorial to the Congress of the United States Urging the Immediate Enactment of Legislation to Extend the Terms of the Steagall Amendment to the Commodity Credit Act Beyond December 31, 1948.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, by action of the President of the United States cessation of hostilities has been proclaimed; and

WHEREAS, under the Steagall amendment to the commodity credit act such proclamation has the effect of terminating the present parity support price program with the 1948 crop year; and

WHEREAS, there is still need for record breaking production of food to aid the starving of the world and farmers of America are still being urged to produce to the limit of their capacity to aid the starving peoples of the world; and

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WHEREAS, unless steps are taken to prevent a disastrous drop in agricultural prices such as that which occurred after World War I the farmers of America cannot with safety meet the production goals now needed; and

WHEREAS, the farmers of America may face disaster through a sudden and drastic farm price reduction; and

WHEREAS, such a drastic drop in agricultural prices which will occur unless steps are taken now to prevent it will severely penalize the farmers of America for their high production which contributed so greatly to the winning of the war;

NOW THEREFORE, BE IT RESOLVED: That the senate and the house of representatives of the State of Montana do hereby urge upon the congress of the United States that the provisions of the Steagall amendment to the commodity credit act be extended beyond December 31, 1948.

BE IT FURTHER RESOLVED: That copies of this memorial be sent to the chairman and members of the committee on agriculture in both the senate and in the house of representatives of the United States and to the members of the Montana delegation in the House of representatives and in the senate of the United States and to the Honorable Clinton P. Anderson, secretary of agriculture.

Approved February 28, 1947.

HOUSE JOINT MEMORIAL NO. 10

A Joint Memorial to the Secretary of Interior of the United States, the Commissioner of Indian Affairs, the Secretary of War of the United States, Honorable James E. Murray, Senator From Montana, Honorable Zales N. Ecton, Senator From Montana, Honorable Mike Mansfield, Representative From Montana, and Honorable Wesley A. D'Ewart, Representative From Montana, Requesting That Funds Be Made Available From Federal Public Land Funds, Indian Department Funds and War Department Funds for Assisting In the Location and Construction of a Bridge Across the Missouri River Between Poplar and Brockton, Montana.

WHEREAS, the state highway commission of the State of Montana at the direction of the twenty-ninth legislative assembly of the State of Montana has made an examination and survey preliminary to the location for the construction of highway bridges over the Missouri river in the State of Montana; and

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WHEREAS, the state highway commission of the State of Montana reports a favorable location for a bridge over the Missouri river near Brockton, Montana; and

WHEREAS, the people in Richland county, Montana, south of the towns of Brockton and Poplar are now forced to travel a great distance to market by reason of a lack of a bridge over the river and because of the impossibility of maintaining a ferry crossing over the Missouri river due to the great and continuing fluctuation of the water level in the Missouri river resulting from the opening and closing of the head gates at Fort Peck dam; and

WHEREAS, the bureau of reclamation plans the construction of the Charlie Creek and Redwater irrigation pumping units in Richland county and a bridge over the Missouri river would substantially decrease transportation costs during construction of these irrigation projects and would serve the projects after completion; and

WHEREAS, if a bridge were constructed across the Missouri river between Poplar and Brockton, Montana, approximately five hundred thousand (500,000) bushels of wheat and one thousand (1,000) head of cattle would annually be hauled over the bridge to market resulting in a higher price for the weight of cattle because of decreased transportation and freight rates to market; and

WHEREAS, a very large area of the State of Montana which now depends upon ferry crossings and row boats for postal service would receive far better service over a bridge than having to depend upon ferries and row boats; and

WHEREAS, the north end of the bridge would be located on tribal lands of the Fort Peck Indian reservation; and

WHEREAS, it would be an unreasonable burden upon the State of Montana and the public roads administration for them to pay the entire cost of such a bridge when the bridge would be serving the Indian department of the United States, the bureau of reclamation of the United States and the war department of the United States; and

WHEREAS, funds from federal public lands, the Indian department of the United States and the war department of the United States are available but not allocated for assisting in the construction of such a bridge.

NOW, THEREFORE, BE IT RESOLVED, that the house of representatives of the thirtieth legislative assembly of the State of Montana, the senate concurring, does hereby respectfully request the

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secretary of the interior of the United States, the bureau of Indian affairs and the secretary of war of the United States to make funds available to assist the State of Montana and the public roads administration of the United States in the construction of a bridge across the Missouri river between Poplar and Brockton, Montana; and

BE IT FURTHER RESOLVED THAT, copies of this memorial be forwarded by the secretary of state of the state of Montana to the secretary of war of the United States, and also to the secretary of the interior of the United States, the commissioner of Indian affairs and the Honorable James E. Murray and Honorable Zales N. Ecton, senators from Montana, and the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, representatives in congress from Montana.

Approved March 5, 1947.

HOUSE JOINT MEMORIAL NO. 11

A Memorial Addressed to Each Member of the Montana Delegation In Congress of the United States and to the Honorable J. A. Krug, Secretary of the Interior, Relating to Predatory Animals and Urging That the Federal Government Allocate More Money to Assist In Bringing Said Predatory Animals Under Control.

WHEREAS, in the State of Montana there is approximately thirty-five (35%) per cent of our land area which is held by the federal government in proprietory or trustee capacity for Indian reservations, forest reserves, wild animal refuges, grazing lands, military reservations, and for other governmental purposes and objects; and,

WHEREAS, the livestock industry of the State of Montana is suffering large losses each year because of the large number of predatory animals which attack and kill livestock upon the public ranges in the state; and,

WHEREAS, the numbers of said predatory animals have increased to a considerable extent in recent years, due partially to the fact that said animals are protected in national parks and in game refuges, and that by reason thereof said livestock growers are facing a serious situation; and,

WHEREAS, the state, counties, grazing organizations and stockmen of the State of Montana are spending between two hundred thousand ($200,000.00) and three hundred thousand ($300,000.00) dollars annually for the purpose of bringing said predatory animals

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under control, and the federal government expends or contributes approximately forty thousand ($40,000.00) dollars annually to assist in the control of said predatory animals;

NOW, THEREFORE, BE IT RESOLVED By the house of representatives of the State of Montana, the senate concurring, that we respectfully urge that the department of the interior increase the allocation of moneys to be expended for the control of predatory animals in the State of Montana to the sum of one hundred thousand ($100,000.00) dollars per annum, and that the necessary steps be taken to decrease the number of predatory animals in the national parks and the game refuges where said predatory animals are now protected;

BE IT FURTHER RESOLVED, That copies of this memorial be forwarded by the secretary of state of the State of Montana to the Honorable James E. Murray and Zales N. Ecton, senators from the State of Montana, and to the Honorable Mike Mansfield, congressmen from the first congressional district and to the Honorable Wesley A. D'Ewart, congressman from the second congressional district, and to the Honorable J. A. Krug, secretary of the interior of the United States of America, with the urgent request that each use every effort to accomplish the object and purpose herein set forth.

Approved March 5, 1947.

HOUSE JOINT MEMORIAL NO. 12

A Memorial to the Congress of the United States of America, to the Honorable United States Senators James E. Murray and Zales N. Ecton, and to the honorable representatives in congress Mike Mansfield and Wesley A. D'Ewart, and to the Administrator of Veterans' Affairs Requesting That the Sum Being Paid By the Veterans' Administration to the State Auditor of Montana for the Care of Eligible Members of the Montana State Soldiers Home Be Increased.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, The cost of maintaining the state soldiers' home for the care and comfort of veterans and their widows entitled to admission to such home has steadily increased,

NOW, THEREFORE, BE IT RESOLVED: That the house of representatives of the thirtieth legislative assembly of the State of

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Montana, the senate of said assembly concurring, does most respectfully urge the congress of the United States that the said congress cause necessary action to be initiated by the director of the veterans' administration to make necessary appropriations to provide for an increase in the present payment of $75.00 per quarter per patient to $125.00 per quarter per patient.

BE IT FURTHER RESOLVED, That duly attested copies of this memorial be transmitted to both houses of congress, to the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators for the State of Montana, and to the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, United States representatives in congress for the State of Montana, and to the General Omar E. Bradley, administrator of veterans' affairs.

Approved February 28, 1947.

SENATE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Honorable J. A. Krug, Secretary of the Department of the Interior of the United States; the Honorable Director of the National Park Service; the Honorable Director of the Public Roads Administration; the Honorable James E. Murray and the Honorable Zales N. Ecton, United States Senators From Montana; and to the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, Congressmen From Montana, Respectfully Urging That Necessary, Sufficient and Proper Appropriations Be Made and Provided From the Appropriation Authorized By Public Law 521-78th Congress, Chapter 626-2d Session, for the Construction, Reconstruction, Improvement, Betterment and Maintenance of the Yellowstone National Park Monument Approach Road, Leading From the City of Red Lodge, Montana, to the Northeast Entrance of the Yellowstone National Park, Which Road Is Known As the Red Lodge-Cooke City Highway, and In Order That Said Road May Be Kept In Such Condition That More Extended Use May Be Made Thereof By the Traveling Public.

To the Honorable J. A. Krug, secretary of the department of the interior of the United States; the Honorable Director of the National Park Service; the Honorable Director of the Public Roads Administration; the Honorable James E. Murray and the Honorable Zales N. Ecton, United States Senators From Montana; and to the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, Congressmen From Montana:

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WHEREAS, the national park monument approach road, leading from the city of Red Lodge, Montana, to the northeast entrance of Yellowstone National Park, which road is known as the Red Lodge-Cooke City Highway, was constructed by the department of the interior through the National Park Service under the Act of Congress of January 31, 1931, (46 Stat. 1053), as amended; and

WHEREAS, said highway is a part of U. S. Highway No. 12, leading from the northeast entrance of the Yellowstone National Park northeasterly through the city of Red Lodge, Montana, and connecting with U. S. Highway No. 310 at Rockvale, Montana, and U. S. Highway No. 10 at Laurel, Montana, extending east and west in Montana, and which in turn connects with U. S. Highway No. 87 at Billings, Montana, extending north and south in Montana; and

WHEREAS, travel over the above mentioned connecting highways brings much tourist travel into and out of the Yellowstone National Park over said approach road, such tourist travel will be greatly increased into and out of the Yellowstone National Park over said approach road from the north and south, as well as from the east and west, if said approach road is reconstructed and improved, and properly maintained, including snow removal therefrom; and

WHEREAS, said approach road greatly shortens the distances to be traveled by those desiring to travel northward or southward through the Yellowstone National Park; and

WHEREAS, Highway No. 12 from Red Lodge, Montana, over the Beartooth range of mountains, through historic Cooke City and on into the Yellowstone National Park is one of the most scenic routes in America; and

WHEREAS, because of the beauty of the scenery along said highway and recreational advantages along said highway and in said Beartooth mountains there will be a gradual increase in the use of said approach road to the Yellowstone National Park by tourists and others; and

WHEREAS, said highway attains an elevation of 10,924 feet over said Beartooth range of mountains; and

WHEREAS, it is the desire of many people that said highway be kept open for traffic and travel in winter months in order that winter sports activities may be engaged in and carried on in said Beartooth mountains; and

WHEREAS, the traveling public generally desires, and it is necessary to the public interests that said approach road over said Beartooth mountains be so reconstructed, improved and maintained, and

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snow removed therefrom, in order that said approach road may be an all-weather highway safe for automobile travel the year round; and

WHEREAS, increased use will also be made of said approach road for the transportation of petroleum and other products; and

WHEREAS, the 78th congress, has enacted Public Law 521, Chapter 626, 2nd Session, authorizing appropriation for the construction, reconstruction, improvement, betterment and maintenance of said Yellowstone National Park monument approach road.

THEREFORE BE IT RESOLVED, by the senate of Montana, the house of representatives concurring, that the legislative assembly of the State of Montana, in regular session, hereby requests and respectfully urges the Honorable J. A. Krug, Secretary of the Department of the Interior of the United States; the Honorable Director of the National Park Service; the Honorable Director of the Public Roads Administration; the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators from Montana; and the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, congressmen from Montana, to take the necessary steps in securing the necessary and proper appropriations for the construction, reconstruction, improvement, betterment and maintenance (including snow removal) of the Yellowstone national park monument approach road, leading from the city of Red Lodge, Montana, to the northeast entrance of the Yellowstone National Park, which road is known as the Red Lodge-Cooke City Highway, in order that said road may be kept open and in condition for use by the traveling public at all times, such appropriations to be from the funds authorized by Public Law 521, Chapter 626, of the 78th Congress, 2d Session.

BE IT FURTHER RESOLVED, that a copy of this joint memorial be sent to each of the following:

The Honorable J. A. Krug, Secretary of the Department of the Interior of the United States; the Honorable Director of the National Park Service; the Honorable Director of the Public Roads Administration; the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators from Montana; and to the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, congressmen from Montana; Edmund B. Rogers, Superintendent of Yellowstone National Park; W. W. Lynch, district engineer of U. S. public roads administration, Portland, Oregon; L. Martin, District No. 1, Missoula, Montana; and A. F. Winkler, chairman of the Montana state highway commission.

Approved February 11, 1947.

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SENATE JOINT MEMORIAL NO. 2

A Senate Joint Memorial to the Congress of the United States Petitioning Congress to Strengthen Present Sanitary Requirements Governing the Importation of Livestock and Livestock Products and to Appropriate Additional Funds to the Bureau of Animal Industry, United States Department of Agriculture In Order That Border Inspection May Be Strengthened and a System of Patrol Established Along the Northern Boundary of Mexico to Guard Against the Importation of People, Animals and Materials Carrying the Infection of Foot-and-Mouth Disease, and Also Petitioning Congress to Offer to the Government of the Republic of Mexico Such Facilities As May Be Available From the Bureau of Animal Industry, United States Department of Agriculture, and Appropriating Money to Provide for Such Facilities and to Extend Financial Aid to the Republic of Mexico In Order That Foot-and-Mouth Disease May Be Eradicated.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States in Congress Assembled:

WHEREAS, foot-and-mouth disease now exists in livestock in the Republic of Mexico; and

WHEREAS, the disease has spread from the six original states involved in the vicinity of Mexico City as far west and north as the state of Zacatecas; and

WHEREAS, it is extremely doubtful if the government of the Republic of Mexico can eradicate this disease from their livestock without additional assistance; and

WHEREAS, the presence of foot-and-mouth disease in the Republic of Mexico presents a very definite threat to the prosperity of the livestock industry and the entire economic welfare of the United States.

NOW, THEREFORE, BE IT RESOLVED BY THE THIRTIETH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, THE SENATE AND HOUSE OF REPRESENTATIVES CONCURRING:

That we earnestly petition the congress of the United States to strengthen the present sanitary requirements governing the importation of livestock and livestock products from Mexico and from other countries in which foot-and-mouth disease exists.

BE IT FURTHER RESOLVED, that we earnestly petition congress to appropriate additional funds to the bureau of animal indus-

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try, United States department of agriculture in order that border inspection may be strengthened and a system of patrol be established along the northern boundary of Mexico to guard against the importation of people, animals and materials carrying the infection of foot-and-mouth disease.

BE IT FURTHER RESOLVED, that we petition and urge the Congress of the United States to offer to the government of the Republic of Mexico such facilities and assistance as may be available from the bureau of animal industry, United States department of agriculture and to appropriate funds to provide for this assistance and to provide direct financial aid to the government of the Republic of Mexico in order that foot-and-mouth disease be eradicated from their livestock.

BE IT FURTHER RESOLVED, that a copy of this joint memorial be forwarded by the secretary of state to the President of the United States and to the President Pro Tem of the United States senate, the Speaker of the House of Representatives, the Honorable Secretary of State, the Honorable Secretary of the United States Department of Agriculture and to the senators and representatives in Congress from the State of Montana with the request that they bring this matter forcibly to the attention of the members of the Congress of the United States.

Approved February 11, 1947.

SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and of the House of Representatives of the State of Montana Requesting That Funds Be Made Available for the Construction of Irrigation Projects In the State of Montana.

To the President of the United States, the Secretary of the Interior and the Commissioner of the Bureau of Reclamation.

Your memorialists, the members of the thirtieth legislative assembly of the State of Montana, the senate and house concurring respectfully represent that:

WHEREAS, the following projects located in Montana are in the initial construction program of the bureau of reclamation for the Missouri river basin:

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Canyon Ferry Reservoir
Glasgow Bench Pumping
Hardin (including Yellowtail Dam)
Marias
Missouri-Souris (Montana division)
South Bench
Yellowstone River Pumping units

and

WHEREAS, the congress of the United States has authorized these projects, and has made an appropriation for commencement of work on projects located within the Missouri river basin as they become ready for construction, and

WHEREAS, this assembly believes that the development of land and water resources of this state should be continued in an orderly manner.

NOW, THEREFORE, BE IT RESOLVED that the thirtieth legislative assembly of the State of Montana, the senate and house concurring, does urge your immediate entire effort to have funds made available to the bureau of reclamation so that construction contracts may be awarded promptly, on such of these projects as are now ready for construction.

BE IT FURTHER RESOLVED, that copies of this memorial be mailed by the secretary of state of Montana, to the President of the United States, the secretary of the interior and the commissioner of the bureau of reclamation.

Approved February 11, 1947.

SENATE JOINT MEMORIAL NO. 4

A Memorial Relative to the Development of the Waters of the Missouri River and Its Tributaries for Irrigation and Other Purposes.

To the President of the United States, to the Senate and House of Representatives of the United States In Congress Assembled, to Each Member of the Congressional Delegation From the State of Montana and to the Governor of the State of Montana:

Your memorialists, the members of the thirtieth legislative assembly of the State of Montana, the senate and house concurring, respectfully represent that;

WHEREAS, the Congress of the United States has authorized certain reclamation projects for the development of the land and water resources of the Missouri river basin; and

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WHEREAS, the general welfare and economic stability of the people of Montana and all states of the Missouri river basin is in a great measure dependent upon a continuous program of reclamation development; and

WHEREAS, reclamation projects meet a present need for providing means for a living for veterans during the construction period, as well as opportunities for their future homes; and

WHEREAS, reclamation projects lead to the production of new wealth and their benefits extend widely to large sections of industry, transportation and trade; and

WHEREAS, their construction costs are repayable to the federal treasury and their operation and maintenance costs are paid by the water users and are, therefore, not a continuing public expense; and

WHEREAS, because of the aforementioned facts we believe that the need for curtailment of public expenditures should not seriously effect the prosecution of this development program.

NOW, THEREFORE, BE IT RESOLVED, That the Thirtieth legislative assembly of the State of Montana, the senate and house concurring, does hereby respectfully petition and request that the Congress of the United States provide adequate appropriations for the construction of the authorized reclamation projects described in this memorial and this development program be continued in an orderly manner.

BE IT FURTHER RESOLVED, that copies of this memorial be mailed by the secretary of state of Montana, to the President of the United States, to the senate and house of representatives of the United States in Congress assembled, to each member of the congressional delegation from the State of Montana and to the governor of the State of Montana.

Approved February 14, 1947.

SENATE JOINT MEMORIAL NO. 5

A Joint Memorial to the Fish and Wildlife Service, Chicago, Illinois, Petitioning Said Fish and Wildlife Service to Divide the State of Montana Into Two Zones for the Hunting of Migratory Waterfowl.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, the hunting season of migratory waterfowl in Montana has been unsatisfactory for many years; and

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WHEREAS, the State of Montana, having a total area of approximately one hundred forty-six thousand one hundred thirty-one (146,131) square miles and because of the great variation of altitude, is too big and the climatic conditions too varying for one zone, and should be divided into at least two zones, northern and intermediate, and

WHEREAS, the Montana Wildlife Federation in December of 1945 and again in December of 1946 adopted resolutions recommending that the state be divided into a northern and an intermediate zone,

NOW, THEREFORE, BE IT RESOLVED by the 30th legislative session of the State of Montana, the senate and the house concurring, that we respectfully petition the fish and wildlife service that the State of Montana be divided into two migratory waterfowl zones, northern and intermediate, as may be recommended by the Montana state fish and game commission and under such rules and regulations as may be promulgated or recommended by the fish and wildlife service.

BE IT FURTHER RESOLVED, that in the event that the fish and wildlife service voluntarily grant this request, or in the event that congress by some appropriate legislation should divide the state, that the Montana fish and game commission be empowered to make appropriate alterations or changes in the form of the present hunting license to conform to any act, rule or regulation adopted in connection with the establishment of such zones.

BE IT FURTHER RESOLVED, that a copy of this joint memorial be forwarded to the fish and wildlife service, Chicago, Illinois.

Approved February 14, 1947.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial to the Congress of the United States Requesting Legislation to Grant Certain Servicemen and Veterans Who Have Been Prisoners of War the Benefits of Section 251 of the Internal Revenue Code.

To the Honorable Senate and House of Representatives of the United State In Congress Assembled:

WHEREAS, Section 251 of the Internal Revenue Code exempts military personnel who served in possessions of the United States from payment of income tax; and

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WHEREAS, no exemption is made in the case of military personnel who were made prisoners of war while in a possession of the United States and who were removed therefrom by the enemy;

NOW, THEREFORE, WE PETITION YOU, that legislation be enacted such as H. R. 6541 and S-1958 of the 2nd Session of the Seventy-ninth Congress, or other legislation, making Section 251 of the Internal Revenue Code applicable to servicemen and veterans who were made prisoners of war while in a possession of the United States and who were removed therefrom by the enemy.

IT IS HEREBY DIRECTED that copies of this joint memorial be sent to the Honorable Harry Truman, President of the United States, to the president of the senate, and the speaker of the house of representatives of the United States and to each of the members of the senate and house of representatives from Montana.

Approved March 4, 1947.

SENATE JOINT MEMORIAL NO. 7

A Senate Joint Memorial to the President and Congress of the United States Requesting the Enactment of Legislation Authorizing the State of Montana to Lease State Lands for the Production of Oil, Gas and Other Hydrocarbons for Such Periods of Time and On Such Terms and Conditions As May Be Provided By the Legislative Assembly of the State of Montana.

To the President of the United States and to the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, under Act of Congress approved February 22, 1889, entitled "An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments, and to be admitted into the union on equal footing with the original states, and to make donations of public lands to such states", commonly known as the enabling act, as amended by an Act of Congress approved May 7, 1932, the State of Montana is restrained from leasing state lands for oil and gas and other hydrocarbons for a longer term than twenty years; and

WHEREAS, such restriction has resulted in failure of the state lands to be developed for the production of oil, gas and other hydrocarbons on an equal footing with public and privately owned lands similarly situated;

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NOW, THEREFORE, BE IT RESOLVED by the senate of the State of Montana, the house of representatives concurring, that the Congress of the United States be, and it is hereby petitioned to enact suitable legislation amending the said enabling act and authorizing the State of Montana to lease her state lands for the production of oil, gas and other hydrocarbons, for such periods of time and on such terms and conditions as may be, from time to time, provided by the legislative assembly of the State of Montana.

BE IT FURTHER RESOLVED that copies of this memorial be forwarded by the secretary of the state of the state of Montana to the President of the United States, to the president pro tempore of the senate of the United States, to the speaker of the house of represntatives of the United States, to the Honorable James E. Murray and Zales N. Ecton, senators from Montana, and to the Honorable Mike Mansfield and Wesley A. D'Ewart, representatives in Congress from Montana.

Approved March 3, 1947.

SENATE JOINT MEMORIAL NO. 8

A Joint Memorial of the Senate and House of Representatives of the State of Montana, to the Congress of the United States, United States Senators James E. Murray and Zales N. Ecton, and Representatives Mike Mansfield and Wesley A. D'Ewart, All of Washington, D. C., Requesting the Enactment of Legislation, Allowing For and Directing the Annual Payment of Grants By the United States Government to the State of Montana for the Use and Benefit of the Several Counties of Montana In Lieu of Taxes On Lands owned By the United States Government In the State of Montana.

WHEREAS, in Montana there is an excess of thirty-nine per cent (39%) of our landed area which is owned by the government of the United States, so held by it in proprietory or trustee capacity for Indian reservations, forest reserves, wild-life refuge, grazing lands, military reservations, and numerous other governmental purposes and objects, none of which lands pay taxes to the State of Montana or the counties therein, nor contribute equitable amounts in lieu of taxes to the school districts, counties and state government, all of which furnish services to such lands and their occupants; and

WHEREAS, such areas are increasing, and the taxation burdens upon sparsely settled communities of our state are becoming more serious; and

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WHEREAS, these areas should bear some part of the tax burden comparable to that imposed on lands of our own taxpayers; and

WHEREAS, there has been and will be introduced in the Congress of the United States acts under which the government of the United States will pay to the several states of the United States for the benefit of counties wherein government held lands are located, grants in lieu of taxes upon these lands;

NOW, THEREFORE, BE IT RESOLVED by the thirtieth legislative assembly of the State of Montana, senate and house of representatives concurring, that we respectfully urge the enactment of legislation by the congress of the United States providing for the evaluation of property owned or held by the United States government and providing for payments or grants to the State of Montana for the use and benefit of the counties wherein government held lands are located, in lieu of taxes upon these lands; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of state of Montana to the senate and house of representatives of the United States Congress and to Senators James E. Murray and Zales N. Ecton and Representatives Mike Mansfield and Wesley A. D'Ewart.

Approved March 3, 1947.

SENATE JOINT MEMORIAL NO. 9

A Senate Joint Memorial to the Congress of the United States of America and to the Interstate Commerce Commission, Requesting An Investigation of the Railroad Boxcar Shortage, Appropriate Legislation to Relieve Such Shortage and Appropriate Action By the Interstate Commerce Commission to Correct the Present Inequitable Distribution of Cars.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled and to the Interstate Commerce Commission of the United States:

WHEREAS, there is now pending in the senate of the United States, Senate Resolution No. 47, introduced by Senator Reed, providing that the interstate and foreign commerce committee, or any duly constituted subcommittee thereof, of the United States senate be authorized and directed to make an early and thorough investigation on the following points and to make prompt report to the senate together with such recommendations as to necessary legislation as it may deem desirable:

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A. Whether the boxcar supply of the railroads has been and is now adequate;

B. Whether there has been an avoidable failure to make necessary material available for the building of new cars;

C. Whether material for building of freight cars for export from the United States of America has been provided and such cars exported to the detriment of business in this country;

D. Whether the interstate commerce commission has fully carried out the duties and obligations imposed upon that agency of the congress by the interstate commerce act, with respect to the control of the freightcar supply of the country and the prevention and correction of dislocation as among railroads and as among sections of the country; and

WHEREAS, there has been and now is a shortage of boxcars in the State of Montana and it appears that the present holdings of cars by eastern roads are in many cases considerably in excess of the holdings of cars by Western roads, proportionately, as is evidenced by the on-line ratio of cars as currently published.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESNTATIVES CONCURRING:

That the legislative assembly of the State of Montana, in regular session respectfully urges the Congress of the United States, or the appropriate committees thereof, to conduct an early and thorough investigation of the boxcar shortage pursuant to Senate Resolution No. 47 introduced by Senator Reed and to enact such legislation as may be deemed necessary as a result of such investigation to relieve the present boxcar shortage.

BE IT FURTHER RESOLVED, that the legislative assembly of the State of Montana respectfully urge the interstate commerce commission of the United States to take whatever action may be necessary to correct any inequities now existing in the distribution of boxcars, to the end that the on-line car ratio of Western roads serving Montana be increased to and maintained at an amount equal to the on-line car ratio of the principal Eastern roads.

BE IT FURTHER RESOLVED, that a copy of this memorial be sent to each of the following: To the Honorable James E. Murray and the Honorable Zales N. Ecton, United States senators from Montana; to the Honorable Wesley A. D'Ewart and the Honorable Mike Mansfield, congressmen from Montana; to the interstate and foreign commerce committees of the United States senate and the United

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States house of representatives and to the interstate commerce commission of the United States.

Approved March 3, 1947.

SENATE JOINT MEMORIAL NO. 10

A Joint Memorial of the Senate and the House of Representatives, of the State of Montana, to the Congress of the United States, Requesting the Continuation of the Present Commodity Credit Corporation Wool Purchase Program and Requesting Price Support for Wool.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, the state department is now giving consideration to a further reduction of duties on apparel wool, and

WHEREAS, probably no agricultural commodity has been so adversely affected by war as the domestic wool growing industry, and

WHEREAS, there was a carry-over of apparel wool in this country on January 1, 1947, of about a billion pounds regardless of the fact that consumption of wool in the United States during the past five years has been maintained on a plane about thirty-five per cent (35%) greater than pre-war averages, and

WHEREAS, about seventy-five per cent (75%) of all apparel wool consumed in the United States in 1945 and 1946 was of foreign origin, and

WHEREAS, the operation of present duties and national administration policy has resulted in every apparel wool producing country of the world using our markets as a dumping ground, and

WHEREAS, this national policy will, if continued, inevitably liquidate the domestic wool growing industry as evidenced by the thirty-three per cent (33%) loss in sheep numbers nationally and the over fifty per cent (50%) loss in sheep numbers in Montana in the last five years;

NOW, THEREFORE, BE IT RESOLVED by the thirtieth session of the legislative assembly of the State of Montana, the senate and house of representatives concurring, that Congress request the secretary of agriculture to immediately announce the continuation of the present commodity credit corporation wool purchase program

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for the 1947 wool clip on the basis of not less than ninety per cent (90%) of comparable price of January 15th, 1947.

THAT, pending an increase in tariff, enactment of legislation to establish a comparable price for wool and lambs, to declare wool a Steagall commodity for price support of not less than ninety per cent (90%) of the comparable price, for two years following January 1st, 1947, and

THAT, Congress grant permission to the commodity credit corporation to sell domestic wool under their jurisdiction at a price competitive with foreign duty paid wool.

BE IT FURTHER RESOLVED that copies of this memorial be forwarded by the secretary of the senate to the presiding officer of the United States senate, to the speaker of the house of representatives of the United States, to the secretary of agriculture, to the secretary of state and to the senators and representatives in congress from this state.

Approved March 6, 1947.

SENATE JOINT MEMORIAL NO. 11

A Joint Memorial Requesting the United States Civil Aeronautics Board to Give Early Consideration to Providing That Northern Area of the United States As the Crow Flies From Duluth, Minnesota, to Seattle, Washington, With Regular Air Transportation Serving Chicago Via the Twin Cities and Duluth and the Intermediate Points of Grand Forks, Devils Lake, Minot, Williston, Wolf Point, Glasgow, Malta, Havre, Great Falls, Shelby, Cut Bank, Kalispell, and Spokane.

To the Honorable United States Civil Aeronautics Board:

WHEREAS, there is no transcontinental air service between Lake Superior and Seattle along the Northern part of the United States, and

WHEREAS, said territory can well support such service and is in fact operating one of the most successful railroad operations in the nation, and

WHEREAS, applications are pending on the part of air transport companies for such authority, and

WHEREAS, all of the cities and trade areas affected are desirous of having such service, and

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WHEREAS, said service appears to be both economically feasible and necessary in the best interests of the country, and

WHEREAS, no through service is available from the intermediate territory to important commercial and industrial centers of the country East or West,

NOW, THEREFORE, BE IT RESOLVED, BY THE SENATE OF THE STATE OF MONTANA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, that the members of Congress from this state be requested to lend every effort towards the establishment of such service by presenting this memorial to the civil aeronautics board and in person reporting to said board the lack of transportation by air above set forth.

BE IT FURTHER RESOLVED, that copies of this memorial be sent by the secretary of state to the Honorable James E. Murray and the Honorable Zales N. Ecton, members of the United States senate, and to the Honorable Mike Mansfield and the Honorable Wesley A. D'Ewart, members of the United States house of representatives from Montana.

Approved March 3, 1947.

SENATE JOINT MEMORIAL NO. 12

A Joint Memorial to the Congress of the United States Requesting the Appropriation of Funds for the Completion of Construction of That Portion of the Broadus-Crow Agency Highway, Known As State Route Number 8, Lying Within the Northern Cheyenne Indian Reservation Between Ashland and Lame Deer, Montana.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, the Broadus-Crow Agency highway running from Broadus, Powder River county, Montana, to Crow Agency, Big Horn county, Montana, known as State Route Number 8, was long ago accepted by the Montana state highway commission and the United States department of agriculture as a part of the seven per cent federal highway system; and

WHEREAS, this highway runs approximately eighty-eight (88) miles through federal lands, namely: the Northern Cheyenne Indian reservation, the Crow Indian reservation and the Custer national forest and the remainder of twenty-two (22) miles is federal aid highway outside of any reservation; and

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WHEREAS, the Indian department and the United States forestry service have asked for the construction of the highway as a necessity for the proper administration of their work and the development of the Indian lands and the preservation of the forests; and

WHEREAS, this highway will open up and cause to be developed a large territory of rich agricultural, stock raising, lumber and mineral lands which has remained largely dormant because of inadequate transportation facilities, and thus will add much to the state's wealth, and help the Indians of this section to be more nearly self-supporting; and

WHEREAS, the territory to be traversed is of wonderful natural scenic beauty, and historical interest and especially attractive to tourists; and

WHEREAS, this highway shortens the distance from the Black Hills and the central west to our national parks by more than one hundred (100) miles and will prove a great feeder highway, bringing in tourists in great numbers to our state; and

WHEREAS, said highway has now been constructed except about twenty (20) miles between Ashland and Lame Deer, Montana, which stretch of proposed highway lies within the Northern Cheyenne Indian reservation and for which no money has as yet been appropriated by the United States; and

WHEREAS, the portion of this highway already constructed will have been hard-surfaced when contracts already let or about to be let have been completed, leaving only the twenty (20) miles above described as yet unbuilt and unfit for travel; and

WHEREAS, said highway is considered by the State of Montana to be of such importance that the Montana highway commission has spent one hundred thousand dollars ($100,000.00) thereon which is unmatched by federal funds; and

WHEREAS, the unconstructed portion makes the use of the entire highway difficult or impossible;

THEREFORE BE IT RESOLVED, by the senate of the State of Montana, the house of representatives concurring, that the Congress of the United States be requested to appropriate funds for the construction of the portion of the Broadus-Crow Agency highway, known as State Route Number 8, lying between Ashland and Lame Deer, Montana, within the Northern Cheyenne Indian reservation.

BE IT FURTHER RESOLVED that copies of this memorial be forwarded to each of the senators and members of the house of representatives from Montana in the Congress, to Thomas H. MacDonald,

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commissioner, United States Bureau of Public Roads, and to the state highway commission of the State of Montana and that all of them be hereby requested to use their best efforts to obtain the necessary funds to complete said highway in the manner aforesaid.

Approved March 3, 1947.

SENATE JOINT MEMORIAL NO. 13

A Joint Memorial of the Senate and the House of Representatives of the State of Montana, to the Administrator, War Assets Administration, Senators James E. Murray and Zales N. Ecton, Representatives Mike Mansfield and Wesley A. D'Ewart, Opposing the Transfer of Operating Functions From Helena Regional Office to the Seattle Sub-Zone Office, War Assets Administration.

WHEREAS, on a per capita basis the State of Montana has led the nation in every bond drive; and

WHEREAS, the State of Montana on a per capita basis ranked first in the nation for men in the military service during World War II; and

WHEREAS, since war plants, military installations and depots were not built in Montana during World War II, there is very little desirable surplus to be sold within the State of Montana; and

WHEREAS, much of the equipment and materials on the few military installations that were built in Montana were shipped to the Pacific coast prior to declaration of surplus; and

WHEREAS, the people of the State of Montana have not been able to purchase desirable surplus property because it was located in other states distant from Montana; and

WHEREAS, plans have just been made to ship many million dollars worth of desirable and salable surplus into the State of Montana from other states; and

WHEREAS, it is presently being contemplated to transfer control of surplus now being shipped into Montana, to the Seattle sub-zone office, Seattle, Washington, and reduce the personnel in the Helena regional office to a mere token force;

NOW, THEREFORE BE IT RESOLVED by the thirtieth legislative assembly of the State of Montana, the senate and house of representatives concurring, that we are opposed to the transfer of control, advertising and planning with respect to the surplus property which has been and will be shipped into the State of Montana to an office outside the State of Montana;

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BE IT RESOLVED, that the thirtieth legislative assembly urge that the Helena regional office, war assets administration, be retained as a regional office with adequate personnel strength and with full authority to plan, advertise and sell surplus property within the State of Montana.

BE IT FURTHER RESOLVED, that the secretary of the senate be directed to mail copies of this memorial to the administrator, war assets administration, Senators James E. Murray and Zales N. Ecton, Representatives Mike Mansfield and Wesley A. D'Ewart.

Approved March 4, 1947.

SENATE JOINT MEMORIAL NO. 14

A Joint Memorial to the Congress of the United States and to the Administrator, Rural Electrification Administration, Requesting Action to Provide Funds For and to Expedite the Rural Electrification Program.

WHEREAS, rural electrification is one of the major construction programs that add materially to the progress and development of our community, state and nation, and

WHEREAS, the public need and demand for electricity for rural American and small towns without central electric service is imperatively essential for our modern progress and development, and

WHEREAS, the urgent need for electricity has not been completely solved and which circumstances has resulted in denying thousands of American farmers and small towns of electric energy, and

WHEREAS, that in cooperation with our government and which is in a favorable position to best finance rural electrification projects to serve the largest number of consumers, and

WHEREAS, the rural electrification administration should be fully authorized and directed to make adequate allocations to the various so-called REA projects, to thereby enable such REA projects to fully complete their pending demands for electric lines, office buildings, maintenance equipment and/or any other equipment or material necessary for the practical construction and operation of electric lines, and

WHEREAS, to best serve all the people on an area coverage basis, the allocations should be made in full and not subdivided so as to further delay or deny the people of any area or community electric energy service, and

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WHEREAS, it is necessary to avoid any further delay of construction, requests for allocating of funds to REA projects should be authorized and promptly granted by the rural electrification administration upon the application for a loan of any REA project that furnishes a gross estimate and preliminary map or maps showing the estimated mileage and cost of construction prepared by the respective REA projects engineer or engineers, and

WHEREAS, the REA construction program can be greatly speeded up and construction costs reduced by reducing to a minimum the various technicalities and duplications.

NOW, THEREFORE, BE IT RESOLVED by the senate of the State of Montana, the house of representatives concurring, that we do hereby respectfully petition the congress of the United States for the passage of necessary legislation providing for adequate funds and authorization and direction for expedient execution of the REA program; and

BE IT FURTHER RESOLVED, that we do hereby respectfully petition the administrator of the rural electrification administration to make early and full allocations to applicants for loans by REA projects and further, that in order to expedite the construction program and to reduce to a minimum all technical and duplicating regulations; and

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of state, of the State of Montana, to the senate and the house of representatives of the United States, to the senators and representatives in Congress from the State of Montana and to the administrator of the rural electrification administration.

Approved March 4, 1947.

SENATE JOINT MEMORIAL NO. 15

A Memorial to the Congress of the United States Requesting Legislation to Reimburse Wheat Growers Who Sold Their 1945 Wheat Early and Were Deprived of Benefit of Advance In Price.

To the Honorable Senate and House of Representatives of the United States In Congress Assembled:

WHEREAS, thousands of American farmers enjoying full confidence and respect for our American public officials did sell in the year of 1945 and the forepart of 1946, wheat at set government prices

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based upon the government assurances that no further advance prices would be made on the said 1945 wheat crop, and

WHEREAS, during the later part of 1945 and early part of 1946 prices were advanced 48c per bushel on wheat, and that therefore the thousands of farmers with full confidence in their government officials sold their grain early and were deprived of the discriminating 48c per bushel advance;

NOW, THEREFORE, BE IT RESOLVED by the senate of the State of Montana, the house of representatives concurring, that we do hereby respectfully petition the Honorable senate and the house of representatives of the United States Congress to enact legislation providing funds to reimburse the wheat growers who sold their 1945 wheat early and were deprived of the benefit of the advance in the price of wheat; and

BE IT FURTHER RESOLVED, that copies of this memorial be transmitted by the secretary of state of the State of Montana to the senate and house of representatives of the United States and to the senators and representatives in Congress from the State of Montana.

Approved March 4, 1947.

SENATE JOINT MEMORIAL NO. 16

A Joint Memorial to the Congress of the United States Requesting Allocation of Funds For Construction and Maintenance of Farm to Market Roads By States and Political Subdivisions Thereof.

To the Honorable Senate and House of Representatives of the United States Congress:

THAT, WHEREAS, we acknowledge that America needs thousands of miles of farm to market roads at a cost that will enable the American taxpayers to finance the construction of the necessary farm to market roads, and

WHEREAS, good practical farm to market roads can in many areas be designed and constructed by state local political subdivisions at a cost of a few hundred dollars per mile as against the present cost of several thousands of dollars per mile for farm to market roads, and

WHEREAS, the state and the local political subdivisions are in the best position to design and construct farm to market roads at the lowest cost;

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NOW BE IT THEREFORE RESOLVED, by the senate of the State of Montana, the house of representatives concurring, that we do hereby respectfully petition the Congress of the United States to pass necessary legislation to provide adequate funds to build and maintain farm to market roads, and to allocate such funds directly to such states, counties and other political subdivisions thereof, that are qualified to receive them, for the purpose of building and maintaining farm to market roads in their respective areas.

BE IT FURTHER RESOLVED that copies of the memorial be transmitted by the secretary of state of the state of Montana, to the senate and house of representatives of the United States, to the senators and representatives in Congress from the State of Montana and to the Montana highway commission.

Approved March 7, 1947.

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CHANGES OF NAMES DECREED IN 1945-1946

Date of Judgment	Original Name	Name Decreed	Residence
†June 16, 1943	Bruce Wesley Allen	Bruce Allen Moon	Great Falls
†Mar. 11, 1942	Joseph E. Allen	William Johnston	Great Falls
July 16, 1946	Joan Lenore Emily Amundrud	Joan Emily Torgerson	Park County
*Oct. 27, 1945	Sandra Lee Anderson	Sandra Lee Stephens	Lewistown
May 27, 1946	Arthur Gustaf Applegren	Arthur Gustaf Argo	Perma
May 27, 1946	Erma Evelyn Applegren	Erma Evelyn Argo	Perma
May 27, 1946	John David Applegren	John David Argo	Perma
May 27, 1946	Mary Allene Applegren	Mary Allene Argo	Perma
May 27, 1946	Paul Burton Applegren	Paul Burton Argo	Perma
May 22, 1946	Albert Andrew Bekkarinen	Albert Andrew Beck	Red Lodge
Mar. 19, 1946	Bernice L. Betanski	Bernice L. Bidwell	Glendive
†June 10, 1942	Nazaire Blair	Norman Blair	Great Falls
‡Apr. 2, 1945	Hendrick Jan Broers	Henry John Broers	Manhattan
May 15, 1946	Edward Brutofski	Edward Burtosky	Great Falls
Nov. 20, 1946	Frances Louise Butterfield	Frances Louise Reynolds	Bigfork
†July 12, 1944	Patrick Joseph Caccavella	Patrick Joseph Cavella	Great Falls
May 25, 1945	Manuel Carrillo	Michael G. Rhodes	Yellowstone County
Mar. 13, 1945	Doris R. Case	Doris R. Flint	Park County
Aug. 13, 1946	Dennis Eugene Chamberlin	Dennis Eugene Giles	Harlem
†June 28, 1944	George N. Crump	Frank McGill	Great Falls
†Nov. 18, 1944	Casimir J. Czajkowski	Joseph C. Cass	Cascade County
Nov. 6, 1945	Thelma C. Danielson	Thelma C. Daniels	Park County
†Mar. 11, 1942	Wendell Edward De Chenne	Wendell Edward Honetschlager	Great Falls
Apr. 17, 1946	Richard DeWinter	Richard James Horack	Lewistown
‡Apr. 15, 1946	Anthony Joseph Dobija	Anthony Joseph Tobia	Lewistown
‡Apr. 2, 1945	Bente Doornbos	Bente Elizabeth Doornbos	Gallatin Gateway
*Feb. 2, 1946	John Harold Dunlap	John Harold Horvat	Lewistown
Oct. 7, 1946	Lorrie Diane Engbretson	Lorrie Diane Horner	Bozeman
June 21, 1945	Epworth Methodist Episcopal Church of Kalispell	Epworth Methodist Church of Kalispell	
Aug. 20, 1945	First Methodist Episcopal Church	First Methodist Church	Billings
Feb. 19, 1946	First Methodist Episcopal Church	First Methodist Church of Polson, Montana	
June 28, 1945	Cora Foote	Cora Thompson	Billings
†Oct. 28, 1944	Joann Ione French	Joann Ione Strand	Great Falls
†Mar. 18, 1942	Leo Adolph Fuchs	Leo Adolph Fox	Great Falls
†Mar. 18, 1942	Roy Earl Fuchs	Roy Earl Fox	Great Falls
Aug. 17, 1945	Edwin Walter Gajewski	Edwin Walter Jeski	Hardin
*Feb. 3, 1945	Harvey George Vodicka	Harvey George	Heath
Jan. 4, 1945	Guido David Giagnacovo	David Colet	Gore Field
Dec. 4, 1946	Alfred Leaphiet Gibson	Alfred Leaphiet Wood	Red Lodge
*Nov. 13, 1946	Donna Lee Gundell	Donna Lee Wagner	Lewistown
Nov. 2, 1946	Willis Eugene Halverson	Willis Eugene Dale	Lewis and Clark County
Jan. 7, 1946	Sharon Lee Harding	Sharon Lee Dale	Bozeman
†Feb. 24, 1943	Mildred Hinkle	Mildred Waldenburg	Great Falls

*—Adoption.
‡—Naturalization.
†—Reported to Secretary of State on August 14, 1945.

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CHANGES OF NAMES DECREED IN 1945-1946

Date of Judgment	Original Name	Name Decreed	Residence
*Oct. 23, 1945	Adelbert Houghtaling	Adelbert Ferdinand	Lewistown
*Oct. 23, 1945	Gerald Houghtaling	Gerald Ferdinand	Lewistown
Jan. 24, 1945	Henry George Hronish	Henry George Ronish	Denton
May 31, 1945	Ralph Fredrick Hubbell	Ralph Hubbell Hopper	Yellowstone County
†Dec. 16, 1943	Charlotte Evangeline Kakalecik	Charlotte Evangeline Kessler	Great Falls
May 16, 1946	Anthony Peter John Kamelevicz, or Anthony Peter John Kamilewicz	Anthony Peter John Kamel	Deer Lodge County
Sept. 23, 1946	Rise Kennedy	Rise Alice Pegram	Bozeman
Feb. 14, 1945	Michael Henry Klein	Mike Keckford	Teton County
Mar. 4, 1946	Edward Frank Kovacich	Edward Francis Kovich	Helena
Mar. 16, 1946	Harry Joseph Kovacich	Harry Joseph Kovich	Lewis and Clark County
Mar. 16, 1946	John Kovacich	John Kovich	Butte
Mar. 16, 1946	Katherine Eva Kovacich	Katherine Eva Kovich	Lewis and Clark County
*June 6, 1946	William Arthur Kramer	William Arthur Smith	Lewistown
†Mar. 18, 1942	Joe Krezelok	Joe Krenzelok	Belt
May 7, 1945	Frances Krushevsky	Frances Krush	Billings
May 7, 1945	John Krushevsky	John Krush	Billings
Oct. 30, 1945	Mike G. Krushevsky	Mick G. Krush	Belfield, North Dakota
*Nov. 28, 1945	Sharon Kay LaSalle	Sharon Kay Redding	Hardin
*Mar. 29, 1945	Ruth Elizabeth Lewis	Nancy Lee Wolfe	Lewistown
Dec. 10, 1946	Richard William Lithgow	Richard William Mattix	Lake County
Aug. 21, 1945	Sigvart Ludvigson	Sig Ludwig	Kalispell
Dec. 26, 1945	William Cleamon MacKay	William Cleamon Cassun	Black Eagle
July 23, 1946	Gordon Lyle Maetche	Gordon Lyle Stewart	Chinook
†Aug. 25, 1943	Gust Malouhos	Gust N. Mallas	Great Falls
†Oct. 25, 1943	George Manouras	George D. Manos	Great Falls
Apr. 27, 1945	Irene Mayo	Irene Talgo	Yellowstone County
June 13, 1945	Margot McCallum	Margot Ingouf	Cascade County
Nov. 20, 1946	Philip Joseph McCormack	Joseph McCormack	Great Falls
†Nov. 12, 1942	James Edward MacKay	James Edward Cassun	Black Eagle
†Feb. 10, 1943	Anton Nicholas Megestick	Anton Nicholas Ross	Great Falls
Aug. 17, 1945	Grace Yaeko Miyamato	Grace Yaeko Mikami	Big Horn County
Aug. 17, 1945	Louise Mieko Miyamato	Louise Mieko Mikami	Big Horn County
Oct. 30, 1946	Paul Morrison	Paul V. Mouritsen	Sheridan County
†Oct. 26, 1944	Margaret Ann Mundt	Margaret Mundt Barkley	Great Falls
Feb. 28, 1946	Edward B. Newell	Edward Brese	Kalispell
*Feb. 16, 1946	Mary Jane Norman	Rosemary Ann Helman	Lewistown
†Oct. 3, 1941	Conrad Joseph Oman	Conrad Joseph Norgard	Black Eagle
†Aug. 18, 1943	Elliott Arthur Ornstein	Elliott Arthur Orson	Great Falls
*Oct. 1, 1946	Baby Ostemiller	Dennis Doyle Borcherding	Moore
Oct. 8, 1945	Barbara Joan Pancich	Barbara Joan Pannage	Billings
Oct. 8, 1945	Charles Moladen Pancich	Charles Moladen Pannage	Billings
Oct. 8, 1945	Charles Moladen Pancich, Jr.	Charles Moladen Pannage, Jr.	Billings

*—Adoption.

†—Reported to Secretary of State on August 14, 1945.

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CHANGES OF NAMES DECREED IN 1945-1946

Date of Judgment	Original Name	Name Decreed	Residence
Oct. 8, 1945	Elsie Isis Pancich	Elsie Isis Pannage	Billings
Oct. 30, 1946	James A. Pascalicchio	James A. Pascal	Great Falls
July 3, 1946	Morley Burnham Patterson	Morley Burnham Lamp	Big Timber
†Apr. 14, 1943	Shirley Leona Payne	Shirley Leona Connelly	Great Falls
Nov. 26, 1945	Emma Piskac	Emma Prescott	Belgrade
Nov. 26, 1945	Jerry Piskac	Jerry Prescott	Belgrade
Nov. 26, 1945	Jerry C. Piskac	Jerry C. Prescott	Belgrade
Nov. 26, 1945	Jimmy Richard Piskac	Jimmy Richard Prescott	Belgrade
Nov. 26, 1945	Mary Piskac	Mary Prescott	Belgrade
Nov. 26, 1945	Milton Buster Piskac	Milton Buster Prescott	Belgrade
Nov. 26, 1945	Robert Arthur Piskac	Robert Arthur Prescott	Belgrade
Feb. 19, 1946	Lorraine Marie Pomeroy	Lorraine Marie Vinje	Kalispell
Dec. 28, 1946	William Conrad Potzl	Bill Conrad Hicks	Wolf Creek
Nov. 26, 1945	Bettie Marie Rannberg	Bettie Marie Lockhart	Paradise
Nov. 26, 1945	Bill Marion Rannberg	Bill Marion Lockhart	Paradise
†May 19, 1943	Oscar Waldemar Renman	Waldemar Oscar Renman	Great Falls
*Dec. 20, 1945	James Conroy Roane	Joseph Michael Cox	Lewistown
Feb. 11, 1946	Jimmie Henry Rorick	Jimmie Henry O'Rourke	Klein
Feb. 11, 1946	Thomas John Rorick	Thomas John O'Rourke	Roundup
July 1, 1946	Baby Russell	Clyde Robert Cox	Bozeman
Mar. 28, 1946	Edward Francis Sapp	Edward Francis Thawley	Big Horn County
Apr. 25, 1946	Elwyn Laverne Sapp	Elwyn Laverne Thawley	Big Horn County
Feb. 6, 1946	August S. Sciuchetti	Bud Charles Olson	Cascade County
*Jan. 2, 1946	Laura Lee Seekins	Mary Kathleen Brinley	Denton
June 23, 1945	Helen Barbara Shegina	Helen Barbara Saginaw	Deer Lodge County
July 11, 1945	Louis Michael Shagina, or Lewis Peter Shegina	Lewis Michael Saginaw	Helena
Jan. 20, 1945	Norman Nathaniel Spratt	Norman Nathaniel Chalmers	Helena
*Oct. 23, 1945	Gay Yvette Steel	Gay Yvette Armstrong	Lewistown
Dec. 5, 1945	Harry Arthur Sutton	Harry Arthur Coster	Big Timber
Mar. 8, 1946	Abbie Svenson	Abbie Swanson	Corvallis
Mar. 8, 1946	Adolph Petrus Svenson	Adolph Petrus Swanson	Corvallis
Mar. 8, 1946	Kenneth Svenson	Kenneth Swanson	Corvallis
Mar. 8, 1946	Lois Svenson	Lois Swanson	Corvallis
Mar. 16, 1945	Florence Joy Swanstrom	Florence Joy Ullman	Cascade County
Nov. 21, 1945	Harry C. Switzer	Harry C. Trodick	Great Falls
Jan. 12, 1946	George Warren Teets	Fred W. Kain	Helena
May 29, 1946	Dorothy Phyllis Tenlli	Dorothy Phyllis Cox	Great Falls
*Aug. 14, 1946	Flory Jean Thayer	Flory Jean Johnson	Lewistown
Oct. 2, 1945	Annie Tinklepaugh, or Annie Warren	Elizabeth Ann Muehmore	Granite County
†Nov. 21, 1942	Charles Joseph Turner, Jr.	Charles Jack Turner	Great Falls
Jan. 15, 1946	Helen A. Urbatchka	Helen A. Urban	Roundup
Jan. 15, 1946	Michael George Urbatchka	Michael George Urban	Roundup

*—Adoption.

†—Reported to Secretary of State on August 14, 1945.

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CHANGES OF NAMES DECREED IN 1945-1946

Date of Judgment	Original Name	Name Decreed	Residence
Aug. 2, 1946	August Gustav Wendt	Charles August Bennett	Kalispell
Dec. 18, 1946	Myrtle Eleanor Werning	Myrtle Eleanor Jordan	Deer Lodge County
June 5, 1946	Reginald Wesgate	Reginald Wesgate Rymal	State of Montana
Dec. 23, 1946	Baby Wheat	Richard Allan Alberda	Manhattan
†Jan. 24, 1946	Theodora Lee Zinnecker	Theodora Lee Skillen	Judith Gap

†—Reported to Secretary of State on August 14, 1945.

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APPENDIX

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APPENDIX

The following referendum measure adopted by the people at the general election held November 5, 1946, became effective by virtue of the governor's proclamation on December 6, 1946.

REFERENDUM MEASURE NO. 50

CHAPTER 182

HOUSE BILL NO. 275

An Act to Authorize the State of Montana to Become Indebted In the Sum of Two Million ($2,000,000) Dollars In Excess of the Constitutional Limitation of Indebtedness and Over and Above Any Bonded Indebtedness Heretofore Incurred or Created and for Which the State of Montana Is Now Obligated, for the Construction, Repair, and Equipment of Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefore for the Montana State Hospital for the Insane, and the Acquisition of Farm Lands to Be Used In Connection Therewith and for the Support Thereof; Providing for the Issuance of Bonds In the Name of the State of Montana As Evidence of Such Indebtedness and for the Sale Thereof, Prescribing the Form of Such Bonds and Providing for a Levy of An Annual Tax Sufficient to Pay the Principal Thereof and the Interest Accruing Thereon, and Providing for a Referendum of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the legislative assembly of the State of Montana is hereby authorized and empowered to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding two million ($2,000,000) dollars in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the purpose of constructing, repairing and equipping necessary buildings, for other permanent improvements, and for acquiring necessary grounds therefor, at the Montana state hospital for the insane and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof. Provided, however, that nothing herein contained

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shall compel the expenditure of the funds derived from the sale of bonds, the issuance of which is authorized by a majority vote on this measure by the qualified electors of Montana at any certain site; and provided further, that said funds may be used for the construction, repairing and equipping of buildings on any site at present owned or which may hereafter be acquired by the State of Montana for the establishment and maintenance of a state hospital for the insane, or separate units thereof.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to said state board of examiners of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the erection, repair and equipment of necessary buildings, other permanent improvements, and acquisition of necessary grounds, at the Montana state hospital for the insane, and for acquiring of such farm lands as may be necessary to be used in connection therewith and for the support thereof.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time the same are authorized to be issued under the provisions of this act and shall bear date as of the day of issuance thereof and shall become due and payable serially over a period of not to exceed ten (10) years from the date of issuance and shall bear interest at the rate of not to exceed four per cent (4%) per annum payable semi-annually on such dates as may be determined and fixed by the state board of examiners, provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date after the interest on the first bonds shall become due and payable, and in order so to do the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series.

The bonds provided for in this act shall be payable at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, city and state of New York, both as to interest and principal and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. All of such bonds so issued shall mature at the expiration of ten (10) years from and after the date thereof and shall be callable at par plus accrued interest for redemption prior to maturity on any interest payment date on or after the expiration of five (5) years from the

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respective dates thereof at the option of the state board of examiners of the State of Montana in the manner set forth in the form of bond hereinafter provided.

Section 4. The board of examiners shall prescribe the form of such bonds, and bonds of each series shall bear upon their face the words: "State Hospital for the Insane Bonds of the State of Montana" with a letter or figure to designate the series thereon and shall be executed by the members of the state board of examiners and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all of the members of the state board of examiners and the signing of said bonds and coupons with facsimile signatures shall be recognized as sufficient execution on behalf of the State of Montana. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell such bonds as provided for in this act in such manner as they shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of ten (10) years from and after the approval of this act and in such amounts as the said state board of examiners shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction, repair and equipment of necessary buildings and other permanent improvements, and the acquisition of necessary grounds therefor for the Montana state hospital for the insane and for the acquiring of farm lands used in connection therewith and for the support thereof as in the opinion of the board of examiners is necessary for the proper maintenance and support of the state hospital for the insane. Such moneys shall be expended only for the construction, repair and equipment of necessary buildings, other permanent improvements, and the acquisition of necessary grounds therefor, including farm lands as may be necessary to be used in connection therewith and for the support thereof and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor pursuant to the orders of the state board of examiners.

Section 6. There shall be levied annually upon all property of the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall

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due, and the payment of the bonds as they serially become due, said levy, however, not to exceed one (1) mill per annum. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treaesury of the State of Montana, and by the state treasurer placed in the "State Insane Hospital Bond Interest and Redemption Fund" which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Section 7. There shall be a referendum on this act and the secretary of state is hereby required, and it is made his duty to submit this measure in accordance with Section 2 of Article 13 of the Constitution of the State of Montana and all other provisions of the Constitution and laws of the State of Montana applicable thereto to the people of the state for their approval or rejection at the general election to be held in November 1946. The official ballot used in said election shall have printed thereon the title of this act and below the same shall be printed the words:

☐ For the Bond Issue for State Insane Hospital Bonds.

☐ Against the Bond Issue for the State Insane Hospital Bonds.

Each elector shall designate his preference by marking an "X" in the square below the proposition for which such elector desires to vote. The votes cast for and against the law above proposed, shall be counted, returned and canvassed, and the results shall be determined and declared in the manner provided by the general election laws of the state.

Section 8. The cost of the bonds issued under this act, fees, commissions, and compensation of the architect employed in the construction and to prepare plans shall be paid out of the proceeds of the bonds.

Section 9. If any parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1945.

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GENERAL INDEX

NOTE:

Index of Appropriations Follows General Index

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